
TRANSCRIPT OF THE PROCEEDINGS

PEACE OFFICER STANDARDS AND TRAINING COMMISSION

Committee Meeting

June 17, 2016

Ad Litem Reporting
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Reported by: Tracy Wilkes, LCR

1 COMMISSION MEMBERS:

2 Chair Kim Wallace
Commissioner Mike Hannon
3 Commissioner Bobby Williamson
Commissioner Carl Jenkins
4 Commissioner Janine Breeden
Commissioner Jeff Long
5 Commissioner Rita B. Baker
Commissioner Ric Wilson
6 Commissioner Jeffrey C. Lewis
Senator Mike Bell
7 Commissioner Charles Hulsey

8 STAFF MEMBERS:

9 Joseph Underwood, Chief Counsel
10 Scott Wilder, Assistant General Counsel
Ray Farris, Assistant Director
11 Shana Roberts, P.O.S.T. Investigator
Stan Murphy, P.O.S.T. Investigator
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1 CHAIR WALLACE: I'd like to call to
2 order the June 17th Peace Officer Standards and Training
3 Commission meeting.

4 We have a motion for adoption of the
5 agenda?

6 COMMISSIONER LONG: Motion.

7 COMMISSIONER WILLIAMSON: Second.

8 CHAIR WALLACE: Motion and second.

9 Any discussion?

10 (Pause)

11 CHAIR WALLACE: All those in favor?

12 COMMISSION MEMBERS: Aye.

13 CHAIR WALLACE: Any opposed?

14 (No opposition indicated.)

15 CHAIR WALLACE: Motion carries.

16 We'd like to welcome everyone and a
17 special welcome to our newest member Representative
18 Hulsey.

19 COMMISSIONER HULSEY: Thank you very
20 much. I appreciate that.

21 CHAIR WALLACE: All right. Read the
22 disclaimer.

23 COMMISSIONER JENKINS: "All P.O.S.T.
24 Commissioners have previously agreed to recuse
25 themselves from any vote that would constitute a

1 conflict of interest. The most obvious of these would
2 include issues that involve our own departments or
3 someone we know personally.

4 "Because we have already agreed to do
5 this, it should be noted that on routine matters it will
6 be assumed nonverbally that these Commissioners have
7 abstained from the vote.

8 "In bigger more controversial issues
9 that may have a more overt conflict of interest or may
10 have the appearance of impropriety, applicable
11 Commissioners will still verbally abstain from these
12 votes."

13 CHAIR WALLACE: Okay. Roll call.

14 MR. FARRIS: Commissioner Baker?

15 COMMISSIONER BAKER: Here.

16 MR. FARRIS: Commissioner Hannon?

17 COMMISSIONER HANNON: Here.

18 MR. FARRIS: Commissioner Jenkins?

19 COMMISSIONER JENKINS: Here.

20 MR. FARRIS: Commissioner Lewis?

21 COMMISSIONER LEWIS: Here.

22 MR. FARRIS: Commissioner Long?

23 COMMISSIONER LONG: Here.

24 MR. FARRIS: Commissioner Wallace?

25 CHAIR WALLACE: Here.

1 MR. FARRIS: Commissioner Williamson?
2 COMMISSIONER WILLIAMSON: Here.
3 MR. FARRIS: Commissioner Wilson?
4 COMMISSIONER WILSON: Here.
5 MR. FARRIS: Senator Bell?
6 COMMISSIONER BELL: Here.
7 MR. FARRIS: Representative Hulsey?
8 COMMISSIONER HULSEY: Here.
9 MR. FARRIS: You have a quorum.
10 CHAIR WALLACE: Thank you.
11 Approval of the minutes for the May 20,
12 2016, P.O.S.T. Commission meeting?
13 COMMISSIONER BELL: So moved.
14 COMMISSIONER HANNON: Second.
15 CHAIR WALLACE: Motion and second.
16 Any discussion?
17 (Pause)
18 CHAIR WALLACE: All those in favor?
19 COMMISSION MEMBERS: Aye.
20 CHAIR WALLACE: Any opposed?
21 (No opposition indicated.)
22 CHAIR WALLACE: Motion carries.
23 No decertification hearing this month.
24 All right. Waivers for pre-employment
25 requirements 1110-02-.03 through 1110-9-.04.

1 Coffee County Sheriff Office request a
2 waiver for Deputy Benjamin Sneed -- hired date
3 unconfirmed -- who was charged with DUI March 18, 2012.
4 Deputy Sneed was found guilty December 4, 2012, and
5 completed all court ordered requirements.

6 The department has also been requested
7 to appear before the Commission to clear up Deputy
8 Sneed's hire date and to determine if any six-month
9 waivers are needed until Deputy Sneed graduates basic.

10 Please introduce yourselves.

11 MR. BANKS: Yes. I'm Captain Rodney
12 Banks, Coffee County Sheriff Department. I'm
13 administrative captain. I have here with me Mr. Ben
14 Sneed who has been employed with us at the Coffee County
15 Sheriff's Department in the capacity of a corrections
16 officer since May 22nd of 2015.

17 Mr. Sneed has done an outstanding job as
18 a corrections officer, so the Sheriff offered him a
19 position. And in that we found out about the DUI.

20 Now, with his Marine background and
21 everything and a sergeant and everything Sheriff Graves
22 would really ask -- would ask this Commission to allow
23 him to become a P.O.S.T. certified officer.

24 CHAIR WALLACE: All right. Any
25 questions?

1 COMMISSIONER JENKINS: When he was hired
2 did you request a waiver for the DUI?

3 MR. BANKS: This was revealed after he
4 was hired. He was hired by our Corrections Department.
5 They do a background check and it was found.

6 When he was asked if he was interested
7 in being transferred we found that when we were
8 registering him for the P.O.S.T. Commission. He had --

9 COMMISSIONER JENKINS: He told you about
10 it?

11 MR. BANKS: Yes. He did not -- he even
12 put it on his application. It was overlooked by the
13 Corrections Division.

14 But the man has done an outstanding job.
15 He's a Marine Corp. career six and a half years as a
16 sergeant with the artillery division.

17 Our Sheriff and our department would
18 love to give him a chance.

19 COMMISSIONER JENKINS: What's your
20 drinking habits now, Mr. Sneed?

21 MR. SNEED: I hardly drink, sir.

22 COMMISSIONER WILLIAMSON: What academy
23 did he go to?

24 MR. BANKS: He hasn't had anything other
25 than TCI training with our department. He's currently a

1 transport officer.

2 COMMISSIONER JENKINS: Is he in the
3 academy now?

4 MR. BANKS: No, sir.

5 COMMISSIONER JENKINS: Is he going to
6 the academy?

7 MR. BANKS: We would like for him to as
8 soon as possible.

9 COMMISSIONER BAKER: And so we need to
10 figure out if he needs a six-month waiver.

11 COMMISSIONER JENKINS: When's the next
12 academy end, Mr. Farris?

13 MR. FARRIS: I believe the next one is
14 full.

15 COMMISSIONER LEWIS: It starts the first
16 part of July.

17 MR. FARRIS: July. Right.

18 COMMISSIONER JENKINS: But it's full?

19 MR. FARRIS: It's full. It's already
20 full. So it would be the last year of the year, which
21 starts the first part of October, I believe.

22 COMMISSIONER LEWIS: Have you already
23 started him as deputy, or is he still in corrections?

24 MR. BANKS: Well, he's in corrections.
25 He does transports right now. He has not trained at

1 all.

2 COMMISSIONER BAKER: And he'll stay in
3 corrections until he completes the academy?

4 MR. BANKS: Once we can get him approved
5 we'll start training until he goes to the academy.

6 COMMISSIONER LEWIS: If he starts --
7 comes out of corrections and goes into FTO, there'll be
8 no need for a six-month waiver if he starts in October;
9 right?

10 COMMISSIONER JENKINS: Well, the
11 department will have to have one. He was hired in '15.

12 COMMISSIONER LEWIS: But he was in
13 corrections.

14 COMMISSIONER JENKINS: What's the hire
15 date for --

16 COMMISSIONER LEWIS: He hadn't started
17 on the road yet.

18 COMMISSIONER JENKINS: Oh. You haven't
19 hired him for the road.

20 MR. BANKS: We moved him to transport
21 back in April.

22 COMMISSIONER LEWIS: But not as a
23 deputy, right? Not out on the road as a deputy.

24 COMMISSIONER WILSON: He's
25 transporting --

1 MR. BANKS: Prisoners.

2 COMMISSIONER WILSON: -- prisoners from
3 the jail, so he's still in the correction end; right?

4 COMMISSIONER LEWIS: He wouldn't need a
5 six-month waiver.

6 COMMISSIONER BAKER: Well, not unless
7 they moved him to an FTO. In which case, if the class
8 doesn't start until October, he'll need that six-month
9 waiver.

10 COMMISSIONER LEWIS: The way I
11 understand it.

12 Is that right, Mr. Farris?

13 MR. FARRIS: Well, he won't be able to
14 complete it under the six months. If we get him in the
15 October class, he won't be able to complete it. So
16 he'll need one to start that FTO program.

17 If you waive the DUI, he'll need one.

18 COMMISSIONER LEWIS: Motion to approve
19 with the waiver at six months.

20 COMMISSIONER BAKER: Second.

21 CHAIR WALLACE: Motion and second.

22 Any discussion?

23 (Pause)

24 CHAIR WALLACE: All those in favor?

25 COMMISSIONER MEMBERS: Aye.

1 CHAIR WALLACE: Any opposed?

2 (No opposition indicated.)

3 CHAIR WALLACE: Motion carries.

4 Congratulations.

5 Just one second.

6 MR. FARRIS: What will be his start
7 date? Because we have to get our records straight here
8 because that'll be part of that six-month waiver.

9 MR. BANKS: Well, we can start him
10 today.

11 MR. FARRIS: Today?

12 MR. BANKS: If it's all right with this
13 Commission.

14 COMMISSIONER JENKINS: And you know he
15 can't ride alone.

16 MR. BANKS: Absolutely. I've been doing
17 this 30-something years.

18 COMMISSIONER JENKINS: And I understand
19 that.

20 COMMISSIONER BAKER: You'd be surprised
21 how many people we have to tell.

22 MR. BANKS: I've had a little lapse in
23 it, and Janine has been really great with the new
24 system. And I appreciate that.

25 We'll do that. It's good to see you.

1 COMMISSIONER JENKINS: Good to see you,
2 sir.

3 MR. BANKS: May we leave?

4 CHAIR WALLACE: Yes.

5 Collegedale Police Department, request a
6 waiver for Jose Luis Meneses -- is that how --

7 MR. MENESES: Meneses.

8 CHAIR WALLACE: Meneses.

9 He became a reserve officer in April of
10 2015. He received an uncharacterized discharge from the
11 U.S. Army/North Carolina National Guard in 2012. Reason
12 for separation, entry level and performance conduct.

13 Introduce yourselves, please and
14 explain.

15 MR. HARDEMAN: Good morning,
16 Commissioners. I'm James Hardeman -- H-A-R-D-E-M-A-N --
17 the assistant chief of the Collegedale Police
18 Department. I have with me today Jose Meneses.

19 We expected him to be a reserve officer
20 last April. Since then -- in our department we don't
21 have a lot of turnover, so a lot of our reserve officers
22 end up going to other agencies.

23 So since then the Chattanooga Police
24 Department has been talking with Meneses -- Mr. Meneses
25 and we've got with their recruiters and stuff and so far

1 has been offered a conditional offer of employment.

2 So it came out while he was -- as I was
3 touching base with him, hey, how are things going. So
4 it wasn't -- it didn't come up as in a mistake, oh, my
5 gosh, this came up. We found out about it.

6 We were just talking about it. He said,
7 "Well, Chattanooga is asking about the military thing,
8 which I know you-all were worried about."

9 And I said, "Whoa, I don't know about
10 that. What's going on with that?"

11 So the it wasn't disclosed on our
12 application when he applied for us as a reserve officer,
13 so we didn't have reason to ask for DD214 or ask for a
14 waiver.

15 On our application he said he felt like
16 that's for legitimate military service, which he did not
17 feel like he qualified for since he was in the military
18 service. But he said that he disclosed it on his
19 personal history statement with his psychological exam
20 for us, which we did not get a copy of that personal
21 history statement at the time he did it.

22 When he informed me of all this I had
23 him get a copy of that personal history statement that
24 he turned into the psychologist, which it is disclosed
25 on there. So he said he felt like based on getting

1 fingerprints done and going to the psychologist and
2 stuff that we would be informed and briefed on that.

3 And as soon as we found out about this
4 we removed him from the road. He has not worked on the
5 road for us since we found out about it.

6 Like I said, he does have a conditional
7 offer of employment with the Chattanooga Police
8 Department provided he gets a favorable ruling from the
9 Commission and he passes their entry level
10 psychological -- which he's done part of it -- and their
11 physical exam and such.

12 CHAIR WALLACE: Questions from the
13 Commission?

14 COMMISSIONER HANNON: What's the conduct
15 issue?

16 MR. MENSES: Excuse me?

17 COMMISSIONER HANNON: What was the
18 conduct issue?

19 MR. MENESES: When I was in there --
20 before I even got in there -- the only reason I decided
21 to even join was during my senior year in high school
22 everything fell apart for me.

23 My dad was a minister for many, many
24 years. He ran out with another woman. My mom also had
25 an affair. I was just a very angry kid my senior year

1 in high school. And to spite them, that's why I decided
2 to join.

3 Before I even got shipped off I tried to
4 get out of it. I felt like I had made a mistake. When
5 I was in there I kept trying to talk to whoever would
6 listen that I felt like I had made a mistake and if I
7 could be allowed to leave.

8 And during the fifth week one of the
9 drill sergeants there approached me and he said, "Do you
10 really want to leave? Do you really want to be out of
11 here?" And I told him yes. Yes, sir, I do.

12 And he -- from that night he said, okay,
13 you're not going to train any more, and he recommended
14 me to be processed for separation.

15 However, as basic continued, I still
16 continued to do everything. That was the one night
17 where I didn't do that training, but when conduct is
18 shown on that it is -- I did not meet the conduct as far
19 as the Army standards and quitting and not wanting to be
20 there and that -- and so the captain also requested that
21 I would be separated and take time to mature and try to
22 come back, if possible.

23 As far as me acting out, lashing out,
24 actively rebelling, and telling them, no, I'm not going
25 to do anything, that was not the issue.

1 As far as performance-wise, I did
2 everything they told me to do as best I could. But
3 while all that was going on I was still trying to leave.
4 And that was the reason I was finally processed for
5 separation.

6 COMMISSIONER JENKINS: Were you issued a
7 DD Form 214?

8 MR. MENESES: That's correct. Yes, sir.

9 COMMISSIONER JENKINS: And you didn't
10 disclose it to anyone when they hired you as a reserve?

11 MR. MENESES: No, sir.

12 My misinterpretation was -- I believe it
13 was truly just for genuine military service. When I
14 applied for the Chattanooga Police Department earlier
15 this year I did -- it was the same thing, I didn't put
16 it on the application, but I disclosed it to the
17 recruiters.

18 That was my misinterpretation of -- I
19 didn't believe it was legitimate -- but there was
20 nothing that I have to hide. I understand that there's
21 fingerprints on record, background checks were
22 conducted, and I have nothing to hide concerning this
23 issue. I know it pops up.

24 I'd be a fool if I thought I could get
25 away with something like that.

1 COMMISSIONER BELL: You were born in
2 '93. You're 23 years old?

3 MR. MENESES: I'm 22, sir.

4 COMMISSIONER BELL: Twenty-two. And you
5 joined the Army at 18?

6 MR. MENESES: I made the decision when I
7 was -- well, 17, and then I enlisted before I even
8 graduated high school.

9 COMMISSIONER BELL: What have you been
10 doing for the last four years as a vocation?

11 MR. MENESES: For the past four years,
12 after I got out, I had a reality check.

13 My mother had a very low-paying job. My
14 little sister is -- she is a young -- little girl, and I
15 had to figure out what I was going to do with my life.
16 I had to make something of myself.

17 So I decided to go to school. I went to
18 Southern Adventist University for the past three and a
19 half years, and I graduated with my bachelor's in
20 religious studies in May of this year. And all to the
21 point that I'm making an effort that I have to support
22 my family and make something of myself, so that's what I
23 was doing for the past four years.

24 MR. FARRIS: Madam Chairman, in the
25 supporting documents also we have a letter from his

1 commanding officer that the reason that he was dismissed
2 was failure to adapt to the military lifestyle, and that
3 he has a limited chance to become a soldier due to the
4 riggers and stress of Army life. So that's the
5 Commanding Officer Meyers.

6 MR. MENESES: Yes, sir.

7 MR. FARRIS: His notes on that -- on
8 that discharge.

9 COMMISSIONER BAKER: I make a motion to
10 approve.

11 COMMISSIONER LEWIS: Second.

12 CHAIR WALLACE: Motion and a second.

13 Any discussion?

14 (Pause)

15 CHAIR WALLACE: All those in favor?

16 COMMISSION MEMBERS: Aye.

17 CHAIR WALLACE: Any opposed?

18 (No opposition indicated.)

19 CHAIR WALLACE: Motion passes.

20 Congratulations.

21 Waiver of basic training,

22 1110-02-.03 1110-9-.02. The following requests for
23 waivers/substitution of basic training have been
24 reviewed and appear to meet P.O.S.T. requirements.

25 Henry Police Department, request is for

1 John Eric Andrews -- hired May 3, 2016 -- to attend the
2 September 25, 2016, P.O.S.T. Transition School.

3 Officer Andrews last full time law
4 enforcement employment was with Dresden Police
5 Department resigning April 10, 2008.

6 COMMISSIONER LEWIS: Motion to approve.

7 CHAIR WALLACE: Motion.

8 Is there a second?

9 COMMISSIONER BAKER: Second.

10 CHAIR WALLACE: Any discussion?

11 (Pause)

12 CHAIR WALLACE: All those in favor?

13 COMMISSION MEMBERS: Aye.

14 CHAIR WALLACE: Any opposed?

15 (No opposition indicated.)

16 CHAIR WALLACE: Motion carries.

17 Knox County Sheriff's office, request
18 Officer Jerry Lee Harmon -- hired February 16, 2016, as
19 a deputy -- be allowed to attend the three-week
20 Transition School.

21 Officer Harmon has been a correction
22 officer for the last 20 years, having graduated from
23 Knox County Academy in November of 1997 and having
24 completed in-service every year since.

25 Do I have a motion?

1 COMMISSIONER BELL: So moved.
2 COMMISSIONER LEWIS: Second.
3 COMMISSIONER JENKINS: I will abstain.
4 I know him personally.
5 CHAIR WALLACE: Any discussion?
6 (Pause)
7 CHAIR WALLACE: All those in favor?
8 COMMISSION MEMBERS: Aye.
9 CHAIR WALLACE: Any opposed?
10 (No opposition indicated.)
11 CHAIR WALLACE: Motion carries.
12 Obion County Sheriff Office, request
13 Paul -- Michael Paul Yates -- hired April 30, 2016 --
14 attend the September 25, 2016, P.O.S.T. Transition
15 School.
16 Mr. Yates obtained his P.O.S.T.
17 certification in July 2005 and has not been commissioned
18 since July 6, 2006.
19 Do I have a motion?
20 COMMISSIONER LEWIS: He just made it,
21 didn't he?
22 Motion to approve.
23 CHAIR WALLACE: All right. Motion.
24 Do I have a second?
25 COMMISSIONER BELL: Second.

1 CHAIR WALLACE: Second.

2 Any discussion?

3 (Pause)

4 CHAIR WALLACE: All those in favor?

5 COMMISSION MEMBERS: Aye.

6 CHAIR WALLACE: Any opposed?

7 (No opposition indicated.)

8 CHAIR WALLACE: Motion carries.

9 Springfield Police Department, request

10 Officer Jason A. Graves -- hired May 23, 2016 -- attend

11 the September 25, 2016, P.O.S.T. Transition School.

12 Officer Graves graduated from Illinois

13 Basic Police Training -- 400 hours -- December 2007. If

14 approved, Officer Graves will need to attend TLETA for

15 12 hours of EVOC prior to Transition School.

16 Please introduce yourself.

17 MR. HEAD: Jason Head with the

18 Springfield Police Department. I'm representing our

19 police department. This is Mr. Graves (indicating).

20 He applied with our police department

21 back last spring. We've since decided we're going to

22 hire him contingent upon his approval to be able to do

23 the Transition Academy.

24 He had an expungement on his record. He

25 did disclose that to us. It was investigated. I'll let

1 him explain that a little bit more about the details if
2 you wish.

3 And pending this we would like to get
4 him into the -- I think the September -- is that the
5 next Transition Academy?

6 CHAIR WALLACE: Yes, sir.

7 Sir?

8 MR. GRAVES: Involving the incident, it
9 was in 2003. It was 13 years ago. I was at an underage
10 drinking party, and I had consumed approximately four
11 beers.

12 I believe the police came to the
13 residence for a noise complaint. The owner of the
14 residence allowed the police in, cooperated. Everybody
15 that was there cooperated and submitted to a portable
16 breath test and was arrested for illegal consumption by
17 a minor.

18 Cooperated, went into court, pled
19 guilty, served 24 hours community service.

20 That was it. The end of it.

21 COMMISSIONER JENKINS: It is expunged?

22 MR. GRAVES: Yes, sir.

23 COMMISSIONER JENKINS: That means
24 nothing to us.

25 CHAIR WALLACE: Okay. Do I --

1 COMMISSIONER JENKINS: Have you worked
2 anywhere since '07?

3 MR. GRAVES: I've been a law enforcement
4 officer in Illinois since September 3rd, 2007.

5 COMMISSIONER JENKINS: And when did you
6 quit?

7 MR. GRAVES: When Springfield Police
8 Department hired me.

9 COMMISSIONER JENKINS: Okay. It didn't
10 say on here. I just --

11 COMMISSIONER LEWIS: Motion to approve
12 with the 12 hours included.

13 COMMISSIONER BAKER: Second.

14 CHAIR WALLACE: Motion and a second.
15 Any discussion?

16 (Pause)

17 CHAIR WALLACE: All those in favor?

18 COMMISSION MEMBERS: Aye.

19 CHAIR WALLACE: Any opposed?

20 (No opposition indicated.)

21 CHAIR WALLACE: Motion carries.

22 Congratulations.

23 MR. GRAVES: Thank you-all very much.

24 CHAIR WALLACE: Vanderbilt University
25 Police Department, request Officer Casey Scott

1 Campbell -- hired May 22, 2016 -- attend the
2 September 25, 2016, Transition School.

3 Officer Campbell graduated TLETA
4 May 2012 and was employed by TBI, but failed to complete
5 P.O.S.T. required in-service for the years 2013, '14,
6 and '15.

7 COMMISSIONER JENKINS: He's eligible.

8 COMMISSIONER BAKER: Does he need
9 Transition School?

10 MR. UNDERWOOD: If you don't keep up
11 your in-service, you automatically lose your -- your
12 certification per statute, so he's going back to
13 Transition School.

14 COMMISSIONER BAKER: Okay. But it's
15 under five years.

16 COMMISSIONER JENKINS: Yeah, but three
17 years in-service.

18 MR. UNDERWOOD: Usually sometimes they
19 only go back and take the certifications to catch up,
20 but -- he never got his certification on the --

21 COMMISSIONER BAKER: Right.

22 COMMISSIONER WILSON: What was he doing
23 for the TBI?

24 COMMISSIONER LONG: Uniformed officer.

25 CHAIR WALLACE: Do I have a motion to

1 approve?

2 COMMISSIONER BAKER: Motion.

3 COMMISSIONER WILSON: Second.

4 CHAIR WALLACE: Any discussion?

5 (Pause)

6 CHAIR WALLACE: All those in favor?

7 COMMISSION MEMBERS: Aye.

8 CHAIR WALLACE: Any opposed?

9 (No opposition indicated.)

10 CHAIR WALLACE: Motion carries.

11 Waiver to attend another academy

12 P.O.S.T. Rule 1110-02-.03(3).

13 Hendersonville Police Department,

14 request Officer Anthony Richard Hunt -- hired May 12,

15 2016 -- be allowed to attend TLETA's October 2, 2016,

16 basic class.

17 Officer Hunt previously attended Metro

18 Nashville Academy, but was released after failing a

19 legal test in August 2015.

20 Officer Hunt will also need a six-month

21 waiver.

22 COMMISSIONER JENKINS: Motion to

23 approve.

24 COMMISSIONER BAKER: Second.

25 CHAIR WALLACE: Motion and a second.

1 Any discussion?

2 (Pause)

3 CHAIR WALLACE: All those in favor?

4 COMMISSION MEMBERS: Aye.

5 CHAIR WALLACE: Any opposed?

6 (No opposition indicated.)

7 CHAIR WALLACE: Motion carries.

8 Sullivan County Sheriff Office, request

9 Deputy Robert Joe Franklin Clemmons, II -- hired June 6,

10 2016 -- be allowed to attend Blount County Academy

11 August 2016 Basic Class.

12 Deputy Clemmons attended THP's

13 February 2015 academy and had to resign due to family

14 issues without completing it.

15 Deputy Clemmons will also need a

16 six-month waiver.

17 COMMISSIONER JENKINS: So moved.

18 COMMISSIONER LEWIS: Second.

19 CHAIR WALLACE: All right. Motion and a

20 second.

21 Any discussion?

22 (Pause)

23 CHAIR WALLACE: All those in favor?

24 COMMISSION MEMBERS: Aye.

25 CHAIR WALLACE: Any opposed?

1 (No opposition indicated.)

2 CHAIR WALLACE: Motion carries.

3 Specialized substitutions for in-service
4 training.

5 The following items, Numbers 1 through
6 15 requests for approval of Specialized Training
7 Substitution have been reviewed and appear to meet the
8 guidelines set forth in P.O.S.T. Rule 1110-04-9.

9 TCA mandated Child Sexual Abuse, EVOC,
10 Mental Illness, and Firearms qualifications must be
11 completed and documented to complete requirements for
12 in-service training, if not included in the curriculum
13 of these courses.

14 COMMISSIONER LEWIS: Motion to approve 1
15 through 15.

16 COMMISSIONER HANNON: Second.

17 CHAIR WALLACE: Any discussion?

18 (Pause)

19 CHAIR WALLACE: All those in favor?

20 COMMISSION MEMBERS: Aye.

21 CHAIR WALLACE: Any opposed?

22 (No opposition indicated.)

23 CHAIR WALLACE: Motion carries.

24 The following items, Numbers 1 through
25 3, application for training officer, have been reviewed

1 by P.O.S.T. investigators and appear to meet criteria
2 for approval. The officers will be informed that they
3 must complete an Instructor Development within the next
4 12 months. And this is application for training officer
5 1110-04-.03.

6 We have Bells Police Department, Officer
7 Houston Butler, II; Covington Police Department,
8 Sergeant Andrew Hefner; Watertown Police Department,
9 Investigator Jonathan Jenkins.

10 COMMISSIONER BAKER: Motion to approve.

11 CHAIR WALLACE: I have a motion.

12 Do I have a second?

13 COMMISSIONER WILLIAMSON: Second.

14 CHAIR WALLACE: Any discussion?

15 (Pause)

16 CHAIR WALLACE: All those in favor?

17 COMMISSION MEMBERS: Aye.

18 CHAIR WALLACE: Any opposed?

19 (No opposition indicated.)

20 CHAIR WALLACE: Motion carries.

21 Applications for certified instructor,
22 1110-03-.04.

23 The following items Number 1 through 12
24 have been reviewed by P.O.S.T. investigators and appear
25 to be in order and meet minimum standards.

1 COMMISSIONER BAKER: Motion to approve 1
2 through 12.

3 CHAIR WALLACE: There's a motion.
4 Second?

5 COMMISSIONER WILLIAMSON: Second.

6 CHAIR WALLACE: Any discussion?

7 (Pause)

8 CHAIR WALLACE: All those in favor?

9 COMMISSION MEMBERS: Aye.

10 CHAIR WALLACE: Any opposed?

11 (No opposition indicated.)

12 CHAIR WALLACE: Motion carries.

13 Curriculum and tests, 1110-04 and
14 Specialized Training Curriculum, 1110-04-.09.

15 P.O.S.T. investigators have reviewed and
16 approved 99 in-service and specialized training classes
17 this month as they appear to be in order and meet or
18 exceed minimum standards set forth by the Peace Officers
19 Standards and Training requirements. They have made
20 note that these training offerings meet the P.O.S.T.
21 requirements for Firearms, EVOC, Mental Illness, and
22 child sexual abuse.

23 COMMISSIONER WILLIAMSON: Motion to
24 approve.

25 CHAIR WALLACE: Motion.

1 Do I have a second?

2 COMMISSIONER LEWIS: Second.

3 CHAIR WALLACE: All right. Any

4 discussion?

5 (Pause)

6 CHAIR WALLACE: All those in favor?

7 COMMISSION MEMBERS: Aye.

8 CHAIR WALLACE: Any opposed?

9 (No opposition indicated.)

10 CHAIR WALLACE: Motion carries.

11 MR. UNDERWOOD: Madam Chairman?

12 CHAIR WALLACE: Yes.

13 MR. UNDERWOOD: Could we go back to

14 application for certified instructors? There are some

15 waivers included with those. We want to approve those

16 waivers also.

17 COMMISSIONER BAKER: I amend the motion

18 to include the waivers.

19 CHAIR WALLACE: All right. Motion to

20 include the waivers has been made.

21 COMMISSIONER LONG: Second.

22 CHAIR WALLACE: Any discussion?

23 (Pause)

24 CHAIR WALLACE: All those in favor?

25 COMMISSION MEMBERS: Aye.

1 CHAIR WALLACE: Any opposed?

2 (No opposition indicated.)

3 CHAIR WALLACE: Motion carries.

4 Old business. Oakland Police

5 Department.

6 Oakland Police Department requests that
7 the P.O.S.T. Commission reconsider their last month's
8 denial of Officer Kathy Stroud being allowed to ride
9 solo while she awaits her enrollment in September's
10 transition class.

11 Officer Stroud was an officer with the
12 Memphis Police Department for 14 years, but has been out
13 of law enforcement for the last nine years.

14 Please introduce yourselves.

15 MR. GAINES: Hello. I'm Captain Larry
16 Gaines with the Oakland Police Department. We are here
17 for your reconsideration for Officer Stroud to ride
18 solo.

19 And the reason that we're coming before
20 you today is that we suburb Memphis City limits. We
21 employ 17 officers, and we value every officer that we
22 have on the road.

23 Officer Stroud was hired based on her
24 experience with the Memphis Police Department, but not
25 just that, her experience when she was hired to go

1 overseas and train Afghan police and other foreign
2 police duties.

3 We're asking that the P.O.S.T.
4 Commission would listen to Officer Stroud on her
5 training that she had while she was out of active law
6 enforcement.

7 Officer Stroud?

8 MS. STROUD: Good morning. I know
9 there's a concern. And although I've been away from the
10 law enforcement stateside practices since 2007, I
11 carried my experience and continued working in a law
12 enforcement capacity on an international realm from '07
13 to '14.

14 In assisting with the rebuild of Afghan
15 national security forces, I was able to provide hands-on
16 training and mentorship in my areas of responsibility.
17 Those included a curriculum for community policing,
18 searching techniques and observations, officer survival,
19 evidence-based operations -- and this is building a case
20 through evidence instead of relying on witness
21 statement. Afghanistan is big on witness statements
22 alone. So we helped build on evidence-case operations.

23 I also trained trainers so they could
24 outreach foreign personnel in community police and
25 officer survival and leadership development.

1 I monitored criminal insurgent
2 activities and provided intel up the food chain for the
3 U.S. NATO forces to gain and identify insurgent networks
4 for tactics, techniques, and their procedures.

5 Network -- I networked capabilities with
6 other agencies. In these villages when we did go out in
7 our community, policing efforts and provided
8 humanitarian efforts through shelter and medical,
9 et cetera, I built these relationships with the NGO,
10 ISAT, U.S. military, and NATO forces.

11 Also within the security forces that I
12 was assigned to I identified their weaknesses and areas
13 of improvement and provided or enlisted Afghan training
14 for them to get their training that they needed.

15 I understand the Commission's concerns
16 that I have not been in a local law enforcement capacity
17 in the last nine years. But I do have over 23 years of
18 law enforcement knowledge.

19 And since returning home I've also
20 continued my education. I'm back at the University of
21 Phoenix for by BS in criminal justice, and I expect to
22 graduate in December.

23 I do humbly request permission to be
24 able to ride solo until September's P.O.S.T. Transition
25 School since I have the core fundamentals of a police

1 officer's knowledge.

2 And if I have any areas of question that
3 I'm not familiar with, I do know the resources that I
4 need to go to to acquire that information.

5 COMMISSIONER LEWIS: Captain, you'll put
6 her through with an FTO; is that correct?

7 MR. GAINES: Absolutely. She's
8 already -- she's currently with an FTO and has surpassed
9 their expectations.

10 COMMISSIONER LEWIS: I know that last
11 month it was the Commission's concern that she'd been
12 out of law enforcement for nine years. I didn't know
13 that -- that she had been training --

14 MR. GAINES: Yes, sir.

15 COMMISSIONER LEWIS: -- in that field,
16 so that -- that was one of the reasons -- and I made the
17 motion. So that was --

18 MR. GAINES: We value every car on the
19 street, sir. And we run two cars. We're a small town.

20 And she would never be in the city by
21 herself, but she would also be support for that
22 additional car. And she could handle calls such as
23 alarms and low-risk calls and that would be a support
24 officer also on the main calls until she goes to
25 Transition.

1 COMMISSIONER JENKINS: One of the things
2 we questioned -- you know, Senator Bell and
3 representatives here -- how many new laws have we had in
4 nine years in Tennessee?

5 And that's one of the questions that I'm
6 sure Jeff had -- and I would have still.

7 You don't get it right by yourself. I
8 mean, with an FTO you don't get it -- you'll get some,
9 but you won't get it all.

10 MR. GAINES: We feel that she does have
11 a resource right there with her with another car on the
12 road to answer any questions that she might have.

13 COMMISSIONER WILLIAMSON: You can get
14 backup to her or anybody else in a short length of time,
15 can't you?

16 MR. GAINES: Get backup? Yes, sir.
17 We're a small town and can be anywhere in three or four
18 minutes.

19 COMMISSIONER JENKINS: Unless they're
20 busy.

21 I mean, there's always that -- two cars,
22 one or both is going to be busy.

23 And I understand where you're coming
24 from. He needs the help.

25 MR. GAINES: Yes, sir.

1 COMMISSIONER JENKINS: You know, it's
2 just two months. I don't know.

3 MR. GAINES: If we didn't have
4 confidence in Officer Stroud I wouldn't drive all the
5 way to Nashville and stand in front of you.

6 COMMISSIONER JENKINS: I understand
7 that. And you're the ones that are going to have the
8 liability.

9 MR. GAINES: Yes, sir.

10 MR. MURPHY: How long has she been in
11 the FTO program?

12 MR. GAINES: She was hired April 15th,
13 and she's been in FTO.

14 MR. MURPHY: How much longer does she --
15 is the program?

16 MR. GAINES: Mr. Murphy, she'll stay in
17 FTO until this Commission approves her or she goes to
18 Transition.

19 COMMISSIONER LEWIS: But she's pretty
20 much completed her FTO portion and she's available to go
21 on the road if you need her to; is that correct?

22 MR. GAINES: Yes. With approval of this
23 Commission she'll go on the road tomorrow by herself.

24 MR. MURPHY: So she's completed FTO
25 training?

1 MR. GAINES: Yes, sir, she has.

2 COMMISSIONER LONG: Captain, while she's
3 in Transition School how will you supplement that
4 position on the road? Who will fill it -- or -- I mean,
5 you're talking about being short. She's going to be
6 gone to Transition School. How are you going to fill
7 that position during the time she's in Transition?

8 MR. GAINES: Right now, sir, she's with
9 another officer, so it's not really having to fill
10 another position.

11 COMMISSIONER LONG: But she'll be going
12 to Transition, and she'll be in Transition School for
13 the weeks.

14 MR. GAINES: Yes, sir.

15 COMMISSIONER LONG: How will you fill
16 that position during that time?

17 MR. GAINES: Any lapse in patrol needs,
18 they'll be filled by myself. I'll get on the road.

19 COMMISSIONER LEWIS: I really feel for
20 you because my department was three people, so -- and
21 one of those were part-time.

22 There is a concern about the laws in the
23 last nine years changing. I'm not for sure how in-depth
24 your FTO program goes with the law change. It's -- it's
25 tough.

1 I know our chairman, she's in the same
2 boat that I am. The real concern is the liability.
3 Understanding what that liability is, like
4 Commissioner Jenkins said.

5 COMMISSIONER JENKINS: They'll eat you
6 up if something happens.

7 MR. GAINES: Yes, sir. I understand
8 that.

9 The chief and I both agree that we feel
10 like she's to a mature stage in her life -- and her
11 experience that she already has -- we don't feel like
12 she would make a rash decision. That if she did have a
13 question, she would contact -- and I'm available -- you
14 know, they call me at all hours of the night. So --

15 COMMISSIONER LEWIS: Does part of your
16 FTO program go in-depth with the written laws of the
17 State of Tennessee?

18 MR. GAINES: Yes, sir. She's questioned
19 quite frequently.

20 Matter of fact, she's questioned me on a
21 couple, and we've had to research them together. She's
22 very inquisitive.

23 COMMISSIONER LEWIS: I'm going to make
24 the motion that she be allowed and make that waiver with
25 the understanding that you do understand what the

1 liability factor is there.

2 MR. GAINES: Yes, sir. I do.

3 COMMISSIONER WILSON: When does the
4 Transition School start?

5 MR. FARRIS: September.

6 COMMISSIONER WILSON: So we're talking
7 about a couple months?

8 MR. FARRIS: Yes, sir.

9 COMMISSIONER WILSON: I don't know if
10 eight weeks is worth rolling the dice or not.

11 COMMISSIONER BAKER: And I'm on the
12 fence, too. I understand your position. I think you're
13 going to be a great police officer. You, obviously,
14 already have been, and you've got lots of experience and
15 training.

16 And when I came to the Commission my
17 paradigm was we never put anybody in uniform until
18 they're trained. So it took me a little while to figure
19 out this whole "put them in uniform before they're
20 trained" thing.

21 But I agree with the liability. I
22 find -- I find that concerning with the updated laws and
23 procedure -- criminal procedure in the state -- I think
24 that's important.

25 And while you're training to tactics and

1 being safe is obviously -- obviously up to par, I find
2 it concerning that the nine-year lapse in training. I
3 think there's a reason why we have those rules, and I
4 think we have to be very, very careful about how we bend
5 or break those rules or make exceptions to the rules
6 because it becomes a slippery slope for other people.

7 MS. STROUD: I do understand that. I do
8 assure that I will continue to re-brief on my TCA codes
9 until I go through Transition School. If you give me
10 the right to ride solo, I will stay up to date. And I
11 am a very mature officer.

12 MR. GAINES: This is strictly a need for
13 our small agency. Being that we butt up to Memphis,
14 we're constantly having to stay on our toes and to stay
15 present. Our presence is more of deter than anything we
16 do, just having the cars out there.

17 COMMISSIONER LEWIS: And I strictly make
18 the motion because of your background and continued
19 training in law enforcement and going through the FTO
20 program and staying in it until -- that's the reason I
21 made the motion to approve the waiver.

22 So without a second, it's not going to
23 go anywhere. That's strictly up to this commission.

24 CHAIR WALLACE: Okay. We have a motion.
25 Do we have a second?

1 COMMISSIONER JENKINS: I'll second it to
2 get it under discussion.

3 CHAIR WALLACE: All right. I have a
4 second.

5 And I open it up for discussion.

6 COMMISSIONER JENKINS: I'm with Jeff a
7 little bit. I think she can handle it. You know, if
8 the department wants it --

9 COMMISSIONER LEWIS: You know, just last
10 month we denied a sheriff's department in the same boat
11 that you're in with less officers whose population
12 doubles this time of year, but it was because the young
13 man that had applied did not have any previous training.
14 So he was denied. And that department was denied, which
15 put them in a pretty good pinch.

16 To me, this is totally different. With
17 the argument to the Commission, we've got a twenty --

18 OFFICER STROUD: Twenty-three years.

19 COMMISSIONER LEWIS: Twenty-three year
20 veteran who went across seas and trained with our
21 military and come back. That's not that much of a break
22 in service. So that's my --

23 CHAIR WALLACE: I have a question. If
24 we approve for her to ride solo, does that put any
25 liability upon the P.O.S.T. Commission approving that?

1 Her going out there and then something happen.

2 COMMISSIONER JENKINS: We've got to go
3 to the lawyer.

4 MR. UNDERWOOD: It's one of those things
5 you be careful. I don't want to say you wouldn't have
6 any liabilities. Because it depends what the
7 determination could be.

8 COMMISSIONER BELL: A good lawyer is
9 going to sue everybody.

10 MR. UNDERWOOD: Right.

11 (Laughter)

12 COMMISSIONER BELL: And I'm not a
13 lawyer.

14 MR. UNDERWOOD: It most likely would be
15 unlikely it would come up. But it's not out of the --

16 COMMISSIONER LEWIS: But it also is a
17 waivable --

18 MR. UNDERWOOD: It's more of a -- it's
19 waivable. It's what the P.O.S.T. Commission chooses to
20 do in this case, and I think you-all held that line
21 pretty close. I don't know.

22 I mean, you've heard the Chief.

23 COMMISSIONER BELL: Yeah. And my only
24 concern is -- as you mentioned -- the numerous laws that
25 have changed over the last nine years.

1 COMMISSIONER JENKINS: I knew she
2 doesn't know -- you know.

3 COMMISSIONER BELL: That's my only
4 concern. Goodness. Her training and everything she's
5 had is --

6 COMMISSIONER JENKINS: Outstanding.

7 COMMISSIONER BELL: Yes.

8 COMMISSIONER JENKINS: But she's not
9 been in Tennessee.

10 COMMISSIONER WILSON: We're only talking
11 about two months. That's the thing.

12 CHAIR WALLACE: All right. We have a --
13 any more discussion?

14 COMMISSIONER LEWIS: Call the question.

15 MR. UNDERWOOD: We may do a roll call --
16 you may want to do a roll call vote just because it
17 sounds like it may be close.

18 MR. FARRIS: Commissioner Baker?

19 COMMISSIONER BAKER: No.

20 MR. FARRIS: Commissioner Hannon?

21 COMMISSIONER HANNON: No.

22 MR. FARRIS: Commissioner Jenkins?

23 COMMISSIONER JENKINS: Yes.

24 MR. FARRIS: Commissioner Lewis?

25 COMMISSIONER LEWIS: Yes.

1 MR. FARRIS: Commissioner Long?
2 COMMISSIONER LONG: No.
3 MR. FARRIS: Commissioner Wallace?
4 COMMISSIONER WALLACE: No.
5 MR. FARRIS: Commissioner Williamson?
6 COMMISSIONER WILLIAMSON: No.
7 MR. FARRIS: Commissioner Wilson?
8 COMMISSIONER WILSON: No.
9 MR. FARRIS: Senator Bell?
10 COMMISSIONER BELL: No.
11 MR. FARRIS: And Representative Hulsey?
12 COMMISSIONER HULSEY: Yes.
13 MR. FARRIS: No. That's the vote. You
14 failed.
15 Motion failed.
16 MR. UNDERWOOD: Motion to approve to --
17 to grant the waiver has failed.
18 CHAIR WALLACE: Yes.
19 Sorry.
20 MR. GAINES: That's okay.
21 COMMISSIONER BAKER: Good luck.
22 MR. GAINES: Thank you for your time.
23 COMMISSIONER BAKER: And I have no doubt
24 you'll be a great officer.
25 MR. UNDERWOOD: And I think that's the

1 point this made. It's not necessarily the officer
2 involved. It's the agency, you want them to have more
3 resources apparently.

4 COMMISSIONER BAKER: Yes.

5 CHAIR WALLACE: All right. Walter State
6 Community College.

7 MS. MARTIN: My name is Elizabeth
8 Martin. I'm an associate general counsel at the
9 Tennessee Board of Regents.

10 Everyone here is from Walter State.
11 We're here about the probation letter that was received
12 a couple weeks -- back in April, and we asked Joe to be
13 on this so that we could ask you to please take Walter
14 State off of probation and hear our response.

15 We weren't here in the first place to be
16 able to respond when this came up, and we would like
17 that to be heard.

18 Would you like them all to introduce
19 themselves or --

20 COMMISSIONER LONG: Please.

21 MR. GAZZO: Ladies and gentlemen, hello.
22 My name is -- I'm Jeff Gazzo. I'm the director of the
23 Walter State Police Academy.

24 MR. STRANGE: Tim Strange. I'm the Dean
25 of Public Safety for Walter State.

1 MR. BRYANT: Chad Bryant, department
2 head of criminal justice.

3 MR. ANTRICAN: Nathan Antrican, I'm at
4 the academy doing the driver training.

5 MS. CAMPBELL: Lori Campbell. I'm the
6 vice-president for academic affairs over all academic
7 programs at the college.

8 MS. MARTIN: As I said, I am
9 Elizabeth Martin. I am attorney with the Associate
10 Board of Regents, and Walter State is one of my clients.

11 There's one person who is not here, and
12 that is President McCamey. I don't know if you're aware
13 or not, but President McCamey is retiring at the end of
14 this month. He would be here if he could. He is,
15 unfortunately, at this moment, I believe, in a -- his
16 wife is having a medical procedure and he could not
17 attend this meeting. If he weren't retiring, he would
18 have asked to come at another time so that he could be
19 here.

20 If it pleases the Commission, I'd like
21 to give a brief overview of what we see the issues and
22 then these guys are the ones -- like I said -- are there
23 all the time. They deal with the questions. They
24 brought the files with them if you have any questions.

25 But I'd like to start with the first

1 that we knew of this is when we got the letter on
2 April 19th that put -- that put Walter State Regional
3 Law Enforcement Academy on probation for two years.
4 There wasn't any indication of anything we could do to
5 get off of probation. And just like I said, so for two
6 years. And if we do anything else, then it might shut
7 us down.

8 There was two things that appear both
9 from the minutes and from this letter. First is the
10 audit -- the audit findings, and then there was prior
11 history.

12 I really think that if I could go
13 through those areas, both the audit findings that were
14 relative to this one and then also that prior history.
15 I think there's a misperception of how Walter State runs
16 their program.

17 First, the audit findings that were at
18 issue here involved -- there are eight different people
19 who were involved. And one of those files are --
20 there's eight files -- and one file had two issues in
21 it. All of those files -- every one of them -- is from
22 a law enforcement agency.

23 Because, as you know -- you have through
24 the years -- Walter State has three kinds of enrollees.

25 They have students who are studying for

1 their associate's in criminal justice, and in this
2 program over here they're allowed to take some basic
3 training as part of their credit course work.

4 There are students who are simply
5 enrolled in the certificate program who want to be able
6 to apply to a department and say I've already had the
7 training. You won't even have to train me.

8 And then there are a number of students
9 who come from law enforcement agencies.

10 All of those people are not allowed to
11 attend Walter State until the pre-employment has been
12 done by their employers.

13 The records that are at issue here are
14 the ones that came from those departments. And we'll
15 confess that there's been a little bit -- we rely on
16 what the departments send us. We're going to take a
17 look at that and we're going to make sure that in the
18 future everybody has the exact things.

19 But we were counting, Walter State --
20 Director Gazzo was counting on the agencies that sent
21 these people to get trained to have done their
22 pre-employment.

23 It's also my understanding that those
24 phone calls were submitted here to P.O.S.T. and were
25 reviewed. So they have to have the pre-employment to be

1 submitted here also.

2 So then we have copies of those files.
3 Under the statutes and the regs we're supposed to have
4 their training records. We definitely have that. We
5 have their training record. All of those things have
6 been reviewed.

7 What we did not have in this case were
8 some fingerprint reports. We have them now. We have
9 them, and we will request them. They will -- now that
10 we know that -- that the report we have to have -- and
11 like I said, we're only talking about people that are
12 employed by an agency already. This is a sheriff's
13 department, police department. They are the ones that
14 are sending them there. They pay for their training
15 from us, and we are relying on their files.

16 We will make sure that those files have
17 those things. As we went through, we realized that
18 there were two people who did not have fingerprints, and
19 we got fingerprints for that person -- those two people
20 that day, even though that was not our responsibility.

21 We could have sent them back to their
22 departments and said you didn't comply with your
23 responsibility. You sent us someone saying that they
24 were employed by you who had been fingerprinted, but we
25 didn't. Director Gazzo asked another department --

1 Greene County -- is that --

2 MR. GAZZO: Greene County Sheriff's
3 Department.

4 MS. MARTIN: Greene County Sheriff's
5 Department for those two people, to do their
6 fingerprints. So those two people got their
7 fingerprints on February 5th.

8 All the rest of those people had
9 fingerprints already done. We just didn't have the
10 final fingerprint report because it goes to the agency
11 and the agency hadn't supplied it. That's been done
12 now.

13 The other two people involved military
14 service. And one of them did not have the correct
15 DD214. There's a Form 1 and a Form 4, and we had one
16 form, but we didn't have the other form.

17 We got that for one of those folks, and
18 so that was completed.

19 The other one, the man said he doesn't
20 have it -- he does not have that one. But he was
21 honorably discharged. It was a person that was
22 honorably discharged and had a medical retirement from
23 the -- is it Marines --

24 MR. GAZZO: The Marine Corps. Yes,
25 ma'am.

1 MS. MARTIN: And he still doesn't have
2 that exact form that we were told he needed. He's been
3 certified now because he's finished his training. And
4 he's employed.

5 So those -- those -- those were the
6 recordkeeping violations that were issued.

7 Now, I think from looking at the
8 minutes, it was very -- I guess it was very -- sorry we
9 weren't here. Because if we could have answered the
10 questions -- I think it appears that the Commission felt
11 these recordkeeping violations had to do with our
12 student enrollees. And I want to talk a little bit
13 about that because it seems those prior -- how did you
14 say that -- numerous infractions and reoccurring
15 history.

16 So my understanding is that the
17 Commission has through the years had some folks from
18 Walter State that went to an agency and then asked for a
19 waiver. And that may or may not be the case. I wasn't
20 there, and these folks haven't done it that direction.

21 COMMISSIONER BELL: Madam Chair, can I
22 ask a quick question to our legal counsel?

23 As I understand, they're on probation
24 from last month's actions. Is there a process for them
25 to get off probation?

1 And the reason I'm asking is what --
2 we're hearing an explanation right now.

3 MR. UNDERWOOD: Yes.

4 COMMISSIONER BELL: Is this something
5 that we could listen to and then make a decision to
6 remove them from probation?

7 MR. UNDERWOOD: It is. The rules don't
8 really reflect -- it's really more of the rules say
9 you're either certified -- compliant or noncompliant.

10 So the Commission came up with the
11 probation, which makes perfect sense. We should
12 probably -- we're going to add those to the rules. I
13 just -- it's at the will of the Commission. If you'd
14 like to end it early, you may. If you'd like to extend,
15 continue.

16 I think there's one chance to represent
17 themselves since they weren't able to be here.

18 COMMISSIONER BELL: And I wanted to make
19 sure we were listening to something that was going to
20 lead to where we could make a decision that could change
21 this.

22 MR. UNDERWOOD: It's at the will of the
23 committee. You have a lot of flexibility here.

24 COMMISSIONER BELL: All right. I'm
25 sorry.

1 MS. MARTIN: Thank you.

2 I want to make sure I'm sharing the
3 information you need also at the right time.

4 Like I said, I want to tell you a little
5 bit.

6 I talked a little bit about how the
7 departments and the class -- class of '99 that was
8 audited that led to this last report, there were only
9 eight student enrollees. Two of those people were in
10 the associate's degree criminal justice program, and the
11 other six are in the certificate program.

12 Now the process that we go through to
13 enroll those is a little bit different because we are an
14 education institution, not just a law enforcement
15 training academy. But all of those people must meet --
16 as best we can handle it -- these same requirements.

17 We do a background check. The Tennessee
18 Board of Regents does have rules that cover people who
19 are only enrolled as students. So they have a true
20 screening background check with our statewide vendor.
21 That background check puts a red, yellow, green. If a
22 person gets a red, Director Gazzo is not going to let
23 that person into the program. It's as easy as that. We
24 don't allow them.

25 They do the psych exam. They make sure

1 they're citizens. This program -- they only want people
2 in this program who don't have to come in and ask for a
3 waiver. So there have not been -- as best we can
4 tell -- many requests for waivers from students who have
5 completed the program, at least as far back as
6 January 2015 -- which is as far back as we could go in
7 the minutes.

8 There are two incidents -- and I'll talk
9 about them in a second.

10 But I just want to make it clear,
11 Director Gazzo, he talks to the people. They have to
12 fill out applications. In addition to the background
13 check, they have to write down and disclose anything
14 that -- they've been convicted, arrested, expunged.
15 It's very, very, very specific. Even if it's been
16 expunged you have to share it with us. He may or may
17 not let them in if it's expunged. It might be something
18 that he feels like that's just not something we want in
19 our school.

20 But he definitely checks backgrounds and
21 will not let them in. He does most of the time, and
22 he'll tell you this himself if you want to ask him. I'm
23 trying to make it sort of quick for you.

24 He usually gives them two options. He
25 says go get it expunged -- because, like you said

1 earlier, if it's expunged it may not be even anything
2 that you have to get a waiver for -- and come back when
3 you have it expunged.

4 Other, go apply at a department because
5 we rely on the departments to do the pre-employment
6 check. If you apply at a department, that department
7 can hire you. They can come down here and ask for a
8 waiver. It's our understanding of what they do.
9 They'll ask for the waiver. They'll do all of the work.
10 They'll put everything together. And they'll send you
11 over to our school.

12 That's what Director Gazzo tells people
13 who don't meet the background check as he reviews it.

14 In this last class he had one person
15 that he discovered in the middle had lied. Had told him
16 that he did not have prior military experience, but he
17 did. That person was dismissed from the program
18 immediately for lying on their application, and
19 specifically about something that you would have had to
20 get a waiver about.

21 MR. UNDERWOOD: Beth used to be my
22 supervisor, so that's -- I know her very well.

23 We did some -- we did some research. I
24 had Scott go back and do some research in the minutes
25 and that confirms pretty much a lot of the issues that

1 we came across was in '12 -- 2012 --

2 MR. WILDER: 2012, 2013, and 2014 were
3 the bulk of the big issues.

4 There have been no issues where somebody
5 came back with a criminal conviction after completing
6 Walter State since 2015 to date.

7 So the bulk of the people that came on
8 with the department after graduating through Walter
9 State's program and went to a department and they had to
10 come back because they had criminal convictions was
11 2012, 2013, and 2014.

12 I've got it all broke down.

13 MR. UNDERWOOD: Yeah. He broke it down.

14 I don't want to steal his thunder. But
15 we have that information, and we confirmed that that's
16 what we understood, too.

17 COMMISSIONER JENKINS: And you're saying
18 that Walter State never came up here and asked for a
19 waiver --

20 MR. UNDERWOOD: No. That's not what
21 we're saying. We're saying for the criminal behavior
22 that went back a little further than 2015, which --

23 COMMISSIONER JENKINS: 2015. I
24 understand.

25 MR. UNDERWOOD: A lot of things were

1 previous 2015.

2 MS. MARTIN: In the past 18 months -- as
3 we looked at the minutes, we found one in 2015, and that
4 involved an issue -- which you can tell from the
5 minutes -- when Director Gracia came to you and said
6 that wasn't discovered until the very end of the
7 person's -- if that had come up earlier -- and I can't
8 speak for Director Gracia, as he's not here anymore.
9 But he made it clear that he was not aware of this
10 issue, even though he had done a background check; that
11 because of the way that the issue came up with that
12 particular person -- so he asked them -- and he was
13 given a waiver.

14 That was January 2015.

15 MR. UNDERWOOD: This is -- we're just
16 handing out the document of the research that he did
17 showing -- went back and the ones -- and we've got one
18 for you, too.

19 MS. MARTIN: Thank you.

20 MR. UNDERWOOD: I don't want to
21 interrupt you in the middle of your presentation, but
22 that's what they're going to -- kind of confirming that
23 that's what the numbers were back in those years --

24 MS. MARTIN: Thank you.

25 MR. UNDERWOOD: -- and the occurrences

1 of those.

2 And I would have gotten that to you
3 earlier, but I've been out this whole week. So I
4 apologize.

5 MS. MARTIN: There was one that came
6 up -- I want to say it was in February -- which was a
7 student who was currently -- his name was Paul -- was
8 currently there and should have been here for that
9 person.

10 But Jeff Cassidy -- it says in the
11 minutes that Director Gazzo was the person, but it
12 wasn't. It was the trainer coordinator Jeff Cassidy who
13 was actually here at that meeting and spoke up on behalf
14 of Paul because the -- you weren't aware that this issue
15 was going to come up.

16 Our understanding is that -- school
17 started February 1st, and he was on the agenda in
18 January to have the waiver heard by this Commission.
19 But the meeting was canceled because of the snow, so
20 everything that was set in January was moved to
21 February. So he did come in February, and he was
22 already enrolled and wasn't finished and they were
23 trying to get him here to get that waiver beforehand.

24 Like I said, I think there's a
25 misperception. We've worked really hard. I think you

1 can tell that Director Gazzo knew it was an issue for
2 this Commission, that he didn't want people going to
3 departments and then having the department come and ask
4 for a waiver.

5 If that has happened in the meantime,
6 it's probably somebody who had done something in between
7 their training and getting hired. Because we simply
8 would not -- as long as we have -- or they lied.
9 That's -- I mean, there is a possibility. Things slide
10 through for different reasons. But we don't have any
11 evidence even that it has done that.

12 We have done our best to correct the
13 issues that relate to the folks that came from the law
14 enforcement. We're working on making sure that
15 everything that -- that they give us everything. If
16 that's what we need to do, we will do it.

17 We will have those -- we'll have the
18 fingerprints -- we'll have the reports. We'll have
19 everything from the employing agency. But we do count
20 on that vetting happening by that employing agency and
21 also being submitted to P.O.S.T. -- which is our
22 understanding, also.

23 And as far as the students at present,
24 we feel like our system is working. We are going to
25 make a request to the Board of Regents to change our

1 ability to do fingerprints, to use a more -- like I
2 said, right now under TBR rules you can have the red,
3 yellow, green. It's a fairly -- I mean, when it says
4 red, we don't know what they're responsible for. We
5 just know they got a red, and they're not going to be in
6 our class. The yellow is something we discuss.

7 We are asking to have that changed. We
8 will talk with the Board about trying to change the
9 policy, so we can use a more extensive background check
10 with our same vendor -- which would be a nationwide
11 fingerprint background check.

12 Like I said, I don't believe that we've
13 had anybody that has slipped through the cracks. We
14 just want to make it stronger.

15 Like I said, we have -- they're all
16 here. They'll be happy to talk to you. They'll be
17 happy to answer questions. They brought the files with
18 them if you have specific questions.

19 We would ask that you reconsider putting
20 us on probation. I think we just got caught up in the
21 past history.

22 And as the paper that Joe just gave you,
23 I understand that it was a problem. It was something
24 that bothered the Commission, but I don't think it's a
25 problem anymore. I think that they've worked very, very

1 hard to develop systems, to have the paperwork for the
2 departments, but also to deal with the students.

3 And, therefore, we would ask that you
4 reconsider the probation and take them off of probation.

5 As I said, Dr. McCamey would be here
6 asking that same thing if he could be. He wants you to
7 know, I'm sure -- we want you to know that we would
8 never thumb our nose at the Commission. This is not --
9 there's no way that Walter State says, oh, the P.O.S.T.
10 Commission, we're not going to listen to them. They do,
11 and they've done everything they can to comply.

12 CHAIR WALLACE: We appreciate that.

13 Any questions from the Commissioners?

14 COMMISSIONER JENKINS: Do you have new
15 leadership now? Is that what's going on?

16 MR. GAZZO: Yes, sir.

17 COMMISSIONER JENKINS: How long have you
18 been there?

19 MR. GAZZO: On the end of July of 2015,
20 our former director, Mr. Gracia, resigned his position.

21 I took that position. I was formerly
22 the training -- or the full-time instructor there at the
23 academy. I took that position as an interim from July
24 to the end of December 2015. In January of this year is
25 when I took over officially as the director of the

1 Walter State Academy.

2 COMMISSIONER JENKINS: I think I made
3 the motion for this. I'll tell you, I think I did.

4 MR. UNDERWOOD: I think you had
5 motioned or seconded it. Yeah.

6 COMMISSIONER JENKINS: I think that's
7 what it was.

8 I'll just tell you. I've been on this
9 Commission for a few years. There's a couple of us --
10 Bobby and I -- we've been here a few years. And it
11 wasn't uncommon for Walter State to come up here and say
12 this guy's going to be graduating two weeks from here
13 and we need a waiver -- this has been years ago -- you
14 know, for a DUI or -- this wasn't uncommon -- and it
15 kept coming and coming.

16 And in 2012 -- I was just reading the
17 second one here. This guy had a felony record, went all
18 through your academy -- he was from in Claiborne County
19 just looking at it, but I don't know -- but he went all
20 through the academy with a felony record, and he finally
21 got caught. Nobody ever asked for a waiver.

22 I mean, these things are just going on
23 and on. And I realize you put things in place now.

24 But, you know, if we can take the weight
25 of probation off what is our answer for the next time?

1 And they'll be a next time. Nobody is perfect. We know
2 that. We just want to -- we want to reduce this, is my
3 opinion on it. We want to stop all this having -- you
4 coming up here all the time.

5 MR. GAZZO: Yes, sir. I understand
6 that. That was the driving force when I -- when I
7 stepped into that office last year -- last summer was
8 when Ms. Martin was talking about waivers. My personal
9 approach to being in that office is that I do not ask
10 for waivers for that reason.

11 If I discover that someone has lied on
12 an application or if they have a criminal history that
13 they did not disclose and they're in the academy, I
14 would immediately dismiss them whether they had two
15 months to graduate or two minutes to graduate. I think
16 this profession deserves that.

17 COMMISSIONER JENKINS: To get into the
18 academy -- to get into your academy --

19 MR. GAZZO: Yes, sir.

20 COMMISSIONER JENKINS: -- as a student or
21 whatever, these things are supposed to be revealed. Am
22 I right?

23 MR. UNDERWOOD: That's the difficulty
24 with the Board of Regents schools. They're running into
25 this policy and the background information -- the

1 fingerprint information.

2 May I ask a question, Chair?

3 CHAIR WALLACE: Yes.

4 MR. UNDERWOOD: I know that some
5 agencies do not ask for waivers. Some -- but we do have
6 a waiver process.

7 Are you stating today that you're
8 intention is not to get waivers for students -- I mean,
9 any type of criminal pre-employment requirements?

10 MR. GAZZO: The way -- and let me see if
11 I could explain briefly to the Commission.

12 The reason that I -- I do -- I have done
13 it that way is because that is the way I understand the
14 rules as I read them, that the waivers for
15 pre-employment requirements must be requested by the
16 agency or the person having an interest in hiring that
17 individual.

18 Because that rule, the way I understood
19 it as I read it in my office -- and I am inexperienced.
20 But I interpreted that because it did not mention
21 academy personnel that I did not have an -- I'm
22 authorized to ask you for a waiver.

23 MR. UNDERWOOD: Right. And we're
24 looking to fix that in the rules in the next process to
25 allow them. But I don't think the history -- the intent

1 is not to exclude you from requesting waivers. I just
2 wanted to know if that's become your policy or not.

3 MS. MARTIN: Their policy is not to
4 accept anyone who would need a waiver. And
5 that's why --

6 MR. UNDERWOOD: That's pretty strict.

7 MS. MARTIN: Since January of 2015 --
8 you know, maybe there were issues in 2012. But when
9 this came up in February we had just gotten, at Walter
10 State -- the 2015 report was submitted in February that
11 said compliant. Nothing had changed in our policies and
12 procedures between the 2015 audit and the 2016 audit.

13 We were -- like I said, his practice --
14 that's why I think you haven't seen people coming in
15 asking for a waiver after they already attended Walter
16 State nowadays because we do not -- we have it in place.

17 There is a background check. We believe
18 that background checks are doing well. If we need to
19 make it stronger we will.

20 But it definitely -- it has sorted it
21 out. We're trying to make -- we let somebody go in one,
22 but in another one, the agent simply tells them you
23 can't have -- we don't have the right to get a waiver.
24 We're not your employer. If we ask for the waiver -- if
25 you want to get this, if you want to apply for schools,

1 you need to go apply to a department. The department
2 can decide if they want to go to bat for you and ask for
3 a waiver before they send you to school.

4 If they want to come to us it can't be
5 somebody who has anything in their record that we know
6 of that makes them even need to have a waiver. We
7 definitely will keep them out if they have something
8 that would get a waiver.

9 MR. UNDERWOOD: And that may be the
10 question. And I'm going to have Director -- maybe
11 Director Farris can address it about -- regarding
12 what -- what kind of background checks were being
13 sufficient enough. And that might have been the
14 problem -- that really seems to be the problem.

15 I know you were talking about red,
16 yellow, green; but I think we were looking for something
17 more in-depth.

18 MR. FARRIS: I'm the one that did your
19 audit, Ms. Martin. The main thing is your lady -- and I
20 can't remember her name, Jeff.

21 MR. GAZZO: Holly Turner?

22 MR. FARRIS: Ms. Turner.

23 She indicated the very same thing, that
24 she cannot get documents from the department. The
25 simple fix to that is if they don't start class until

1 all the documents are submitted -- that's most academies
2 don't start you until you have -- so you make them. You
3 force them to submit the documents.

4 I don't delineate when I do an audit
5 whether it's a student or whether it's a police officer.
6 I just pull the files randomly.

7 And the biggest infraction that I found
8 was the fingerprints, which are required. We're
9 training police techniques. We're training law
10 enforcement techniques. You're one of few that teaches
11 that to civilians that will be police officers someday.
12 So that was my concern. There's a -- I would
13 recommend -- and I've recommended to Director Gazzo the
14 same thing. We'll run those fingerprints, make the
15 student pay for that as part of their application
16 packet, bring that printout, and you're fine.

17 I don't question that these things were
18 done. The question is they were not in their files.
19 That's the problem. They -- these records were not in
20 the file, which is required so that you know that they
21 can start your academy. That's the only real question.

22 They've been very gracious. Director
23 Gazzo is very gracious. I deal with him and Ms. Turner.
24 They were very gracious on both of my visits up there.
25 I'll have to say that. They were very concerned that

1 they were still missing some documents.

2 I realize that comes from a department.

3 It's hard to twist their arm after their officer's

4 already in class. They got what they wanted. They're

5 getting an officer trained. You got to twist their arm

6 prior. Hate it, your guy's not starting until we get

7 the records.

8 But that was the deficiencies that I

9 found. Apparently -- and I do it random. I don't --

10 the second audit I pulled them all. But the first audit

11 I just usually pull three to four files. There was

12 enough deficiency that we came back.

13 But it's just a recordkeeping deal.

14 You've got to force the departments. Don't let the guy

15 start is my recommendation. Hate it. They'll get the

16 records to you if they want their officer to go to

17 class.

18 I would use the private service because

19 I know you can't have TBI test police. They're not the

20 P.O.S.T. Commission. We do not have TBI access to run

21 fingerprints. And I have to do that for LEOSA. I have

22 to do that for sheriff candidates every year. That

23 private service will run those -- it costs your student

24 29 bucks. If they want to go to class bad enough,

25 they'll pay 29 bucks to comply with the recordkeeping

1 mandates to have in their file.

2 That's my recommendations. It's a
3 pretty simple fix.

4 MS. MARTIN: We -- our understanding is
5 all these people had had their fingerprints except for
6 the two --

7 MR. FARRIS: Maybe, but they weren't in
8 their files.

9 MS. MARTIN: -- and the record wasn't
10 there.

11 MR. FARRIS: Right. That's what -- they
12 may -- that's what I'm saying. They may very well, but
13 I don't know that if that printout is not in their file.
14 It's a real evident printout. It's either real short
15 and sweet, or it's got a problem. If there's a problem,
16 they probably wouldn't be there. But --

17 MS. MARTIN: And that's what -- we've
18 worked hard on making sure that our employer agencies --
19 the ones that send the majority of our students -- will
20 comply. We're going to be more specific with them
21 because different agencies use different things to prove
22 that they've done the pre-employment.

23 MR. FARRIS: Right.

24 Ms. MARTIN: So we're going to make it
25 more extensive and say what they have to have.

1 And our students -- I mean, they weren't
2 one of the issues here. And none of them -- like I
3 said, in the past -- when I say the "students," I mean
4 the ones that are just getting a certificate or they're
5 getting their criminal justice degree -- we haven't had
6 problems.

7 January 2015 was the last problem that
8 we had. And that was when it didn't come up. And
9 Director Gracia -- as you can see from there -- he very
10 much apologized. He -- he was pretty angry you could
11 tell from the minutes.

12 But he was there asking for this because
13 he shouldn't have been. He should have known about this
14 ahead of time. It was just that it didn't come up. It
15 was in another state, and it didn't become apparent
16 because of being in the other state. But that was the
17 last one that we could find. 2015.

18 I think that complies with the research
19 that you guys did, that showed this was -- may have been
20 a problem, but it's not a problem now.

21 And that's why we ask that we not be on
22 probation for a problem we might have had in 2012 or
23 2013 or 2014. That we haven't had in 2015 or 2016.

24 CHAIR WALLACE: Commissioner Long has a
25 question.

1 COMMISSIONER LONG: Director, I'd like
2 to ask you, do you have a policy about people attending
3 one academy and not completing that academy and then
4 coming to you?

5 We keep hearing over and over and over
6 about academy shopping. That they can't make it
7 somewhere and they'll come up there to get it and go to
8 work for an agency.

9 Of course, us being the supervisor are
10 concerned that if that's true that they're getting the
11 level of training -- if they can't make it one place,
12 how can they go make it at another one? Do you have a
13 policy about that?

14 MR. GAZZO: We do, sir. We do.

15 COMMISSIONER LONG: What is that policy?

16 MR. GAZZO: It is covered in P.O.S.T.
17 rules that whatever academy that individual starts at
18 they must finish at, unless they receive permission to
19 attend another.

20 COMMISSIONER LONG: Do you enroll them
21 before we ever approve that?

22 MR. GAZZO: No, sir.

23 MR. UNDERWOOD: We had one today, and
24 obviously they can't go back to Nashville. That's
25 the -- usually the P.O.S.T. will grant that because you

1 can't go back to the employment agency. Because we
2 rarely grant that waiver for someone to go change
3 academies. That is true for the Commission, I know.

4 COMMISSIONER JENKINS: Do you do the
5 same for a student? Do you do the same background as
6 somebody coming in from a law enforcement agency?

7 MR. GAZZO: No, sir.

8 COMMISSIONER JENKINS: Well, you know
9 what's going to happen as soon as they graduate?
10 They're going to be job hunting.

11 COMMISSIONER WILLIAMSON: That's what
12 they go to school for.

13 MS. MARTIN: But we do do a background
14 check. It may not be exactly the same that they do for
15 the employing agencies because we're an educational
16 institution.

17 There's only one small thing, and that
18 is the kind of background check that we do. We do the
19 background check because of the TBR rule. And we use a
20 vendor -- a third-party vendor. Every single student
21 that comes there has that background check. It's the
22 same one we use for nurses, teachers.

23 I mean, we have lots of students. TBR,
24 that have to get a background check to be able to do
25 their jobs, work at a hospital, deal with drugs -- all

1 kind of things. But this is our vendor. We count on
2 them and we trust them and we do use that vendor.

3 COMMISSIONER JENKINS: If a student come
4 in -- this is a question.

5 MR. GAZZO: Yes, sir.

6 COMMISSIONER JENKINS: A student comes
7 in, he's been a student -- or she -- and all of a sudden
8 she wants to go do criminal justice in school. They
9 don't go to your school for the credits. I promise you
10 they're going to get a job.

11 Do you check their DUI records -- do you
12 check all their arrest records?

13 MR. GAZZO: We do, sir.

14 COMMISSIONER JENKINS: So do you have to
15 get waivers for them?

16 MR. GAZZO: They have -- we get -- as
17 far as the background check, just to clarify, for a
18 student -- if I understand, you know, the student not
19 being employed by a law enforcement agency attending our
20 program --

21 COMMISSIONER JENKINS: Yes.

22 MR. GAZZO: Before they can come and
23 enroll and participate in the academy they have to do
24 the Truescreen due diligence background investigation
25 check, which is the vendor that Ms. Martin is referring

1 to.

2 COMMISSIONER JENKINS: And it will tell
3 you all arrests and --

4 MR. GAZZO: Yes, sir. It does the state
5 criminal background check. It does a federal criminal
6 background check. And it also checks the national
7 criminal database.

8 COMMISSIONER JENKINS: And you turn
9 these people down, or do you get a waiver?

10 MR. GAZZO: That would -- that depends
11 on the situation. I don't -- if they are -- if they
12 have a criminal conviction that appears on that report,
13 I would ask them first if they have had that expunged.

14 I've seen some where they come back and
15 there's not expungement paperwork. Before I would allow
16 that person to attend our program I would tell them I
17 will not allow you in this program unless you can
18 produce for me expungement paperwork. I tell them the
19 process of expungement. Getting an attorney and going
20 through that process is on them.

21 If they can produce that paperwork, I
22 will look at it a second time.

23 And depending on what that charge was
24 for I may still not let that person in. And, please, if
25 I'm in the wrong for this let me know. If I have it for

1 an underage consumption, for instance, that was many
2 years ago, that doesn't give me as much pause as
3 somebody who has an assault conviction, for instance,
4 and it's been expunged. I think the assault
5 conviction -- I'd want a little more information. That
6 would make me want to investigate further, and then I
7 would make another determination.

8 I would then -- if outside of that
9 circumstance, I would then tell -- I'd give them the
10 other option and say I won't let you in because I won't
11 ask for those pre-employment requirements to be waived
12 unless -- but you can go and have a police chief or a
13 sheriff see if they're willing to hire you. And as part
14 of that hiring process if they're willing to go to the
15 P.O.S.T. Commission and request a waiver -- again, which
16 is my understanding of the waiver process -- then I will
17 be happy to consider that once you return with that
18 waiver approved by the Commission.

19 COMMISSIONER JENKINS: So what you-all
20 are telling us today is you're not going to get -- ask
21 for any waivers anymore? The departments will have to
22 ask for them.

23 MR. GAZZO: Yes, sir.

24 COMMISSIONER JENKINS: And you won't be
25 back up here asking for waivers?

1 MR. GAZZO: No, sir.

2 COMMISSIONER JENKINS: Well, you better
3 talk to counsel first. She's jumping out of her seat
4 there.

5 MS. MARTIN: We go back and forth about
6 what the -- that issue if you've been in a training
7 academy before. That's the only thing that I see out
8 there that they do.

9 They do have some people who come and
10 want to apply and they have been to ask the Commission
11 can this person enroll in our academy even though they
12 were in the other one. And they do that before they
13 allow them to enroll.

14 I just want to make clear that might
15 happen. They're not accepting anybody that they
16 understand needs a waiver, and they're not going to ask
17 for a waiver for somebody based on their criminal
18 history.

19 I mean, that's -- there's two different
20 things. Let's make it clear that they may have to come
21 back and say --

22 COMMISSIONER JENKINS: And I'll tell
23 you, on transferring academies, if it's not a local
24 academy for that agency, we don't allow it. I mean,
25 that's just our rule. We're really strict about it. I

1 mean, you go back to that same academy. It's called
2 "academy shopping." That's what Mr. Long was talking
3 about.

4 But we -- I have been here many, many
5 years and it's gotten better.

6 COMMISSIONER LEWIS: In the last year,
7 year --

8 COMMISSIONER JENKINS: Maybe.

9 COMMISSIONER LEWIS: -- and a half.

10 COMMISSIONER JENKINS: But, you know, I
11 read first one on my list, second on the list.

12 COMMISSIONER LEWIS: It goes back before
13 that.

14 COMMISSIONER JENKINS: Yeah. But this
15 goes way back. You know, I went to Walter State -- I'll
16 give you credit -- many, many years ago. But I actually
17 went there. It's a good program. But still, yet, I was
18 already employed and was already working. I did this on
19 my own just to get a degree.

20 But, you know, these are things that
21 we're seeing all the time. If it was a different
22 agency, it would be different. If it was ever police
23 academy, but it's not been.

24 MS. ROBERTS: And, I think, Ms. Martin,
25 if I could interject -- I'm Shana Roberts. I'm

1 responsible for Middle to East Tennessee. I worked with
2 Jeff and Holly. I'm in touch with them a lot, working
3 on the things that they do.

4 I think part of the problem, from my
5 point of view, is, like you said -- you know, when we
6 didn't have this document and we didn't have this
7 document, this is 2015, no academy -- this academy next
8 door, Chattanooga, Knoxville -- nobody starts someone in
9 that academy until we have all the documentation.

10 We go onsite. We look. The
11 documentation is there. It's doesn't matter who it is.
12 If we go next door and they don't have the
13 documentation, then that's an issue.

14 This is a 2016 issue. It's not last
15 year or the year before because Mr. Farris, I know, did
16 the audit earlier this year.

17 And I understand it's been corrected.
18 That's the whole point for doing an audit. But we've
19 got things right now outstanding that I've had to
20 contact the departments and say your person is not going
21 to be allowed to start. You haven't completed this.
22 You hadn't turned this in. If they don't, they don't
23 start. I mean, that's just the -- that's the only
24 answer to that.

25 MS. MARTIN: And as an academy they have

1 relied on the pre-employment being done by the employing
2 agency.

3 MS. ROBERTS: We -- we train all
4 departments. And those departments know if they don't
5 get it in, their person doesn't start.

6 Like he said, it's kind of a moot point
7 after they've already started the academy to go back and
8 try to hold their feet to the fire because that doesn't
9 work, you know. They've already gotten what they want,
10 so they're not going to --

11 MS. MARTIN: And that's what -- we've
12 had some misunderstanding, I think, about what
13 exactly -- documentation we needed to show was -- that
14 these pre-employment checks had been done.

15 We did not -- but I think that now all
16 that information is there. And all of these did involve
17 people -- that's -- the biggest thing here is that it's
18 not this issue -- it's not the same one with us asking
19 for people -- training them and then coming and asking
20 for a waiver. That's not the documentation that's at
21 issue here. The documentation that was here related to
22 the information that we received from the departments.

23 We did the same thing in 2014 and 2015
24 that we were doing in 2016. 2014 and 2015 we were in
25 compliance. 2016 we weren't. We're -- we worked very

1 hard. We listened to what was required. We looked at
2 the documents and have made every effort to have that
3 information and everything will be in the next one, just
4 like -- that we've now been told exactly what we need.

5 COMMISSIONER WILSON: You say you've got
6 everything corrected now and everything is running as
7 it's supposed to?

8 MR. GAZZO: Yes, sir.

9 COMMISSIONER WILSON: With that being
10 the case, I don't see why you wouldn't cruise through
11 the probationary period without a problem at all. And
12 then we just have checks and balances on you until you
13 get through. That seems very logical to me.

14 MS. MARTIN: Well, Your Honor --
15 Your Honor. You can tell I've been an attorney for a
16 long time.

17 This is -- I mean, being on probation is
18 a big deal. There's not any rules out there that
19 they -- it just says you're on probation. There's
20 nothing that says what we can do to get off of it. It
21 just looks like we're in trouble with the P.O.S.T.
22 Commission.

23 And we will -- I mean, it's hanging over
24 our heads. We know that these issues are here, and I
25 really think that if we had an opportunity to respond in

1 the first place, to show you that we were not still
2 doing the thing that you were most worried about --
3 which was letting anybody into our program and then
4 coming and asking for it.

5 To not be under the weight of the
6 probation is a big deal to us. I mean, we're still
7 going to be complying with all these rules. We're still
8 going to be doing the things that we need to do. But to
9 not be under the burden of being said that you're on
10 probation -- especially in light of the nature of the
11 recordkeeping issues and the fact that -- as I said, I
12 think we're being caught up in our history -- 2012 --

13 COMMISSIONER WILLIAMSON: Well, may I --
14 being on probation is a big deal.

15 MS. MARTIN: Yes.

16 COMMISSIONER WILLIAMSON: But -- but,
17 now, we have contacted Walter State before about
18 problems that we had with them. And they say, okay, and
19 then they never get corrected. This got somebody's
20 attention, so we've accomplished a lot I think with this
21 probation.

22 MS. MARTIN: Well, actually, this issue
23 of having our students come and ask for waivers and
24 everything, it was corrected before this probation
25 occurred.

1 COMMISSIONER WILLIAMSON: Absolutely.

2 MS. MARTIN: We -- since 2015 and 2016
3 you have not had that issue with our students doing
4 that. And this only happened in May -- April that this
5 probationary letter came out. The first time that we
6 were aware that there was an issue, that there was even
7 a consideration.

8 I know it is a very big deal. It
9 matters a whole lot to President McCamey. He is
10 retiring, like I said, at the end of this month. This
11 is a school that we are very, very proud of. It serves,
12 we believe, a good -- a need.

13 And my understanding from the last
14 minutes was that every one of the schools has waiting
15 lists for people to get in.

16 And Walter State is -- has really made
17 strides, I believe. They're being punished for
18 something that happened in 2012.

19 CHAIR WALLACE: We have another question
20 from a commissioner.

21 Representative Hulsey?

22 COMMISSIONER HULSEY: Thank you.

23 I understand you have two sets of
24 standards and that's what I -- I have one question for
25 you folks and one question for the Commission.

1 And I'm new here, so please forgive me
2 for just running my mouth.

3 But you have two sets of students, so
4 you have two sets of standards on backgrounds of what
5 you do. I'm assuming, by listening, you have somebody
6 who is really not hired by an agency -- and in my career
7 I ran into people like that all the time -- you know, I
8 think it will help me get a job if I go to the police
9 academy and pay for it myself.

10 MR. GAZZO: Yes, sir.

11 COMMISSIONER HULSEY: The standard that
12 you have for a student under an educational side and a
13 standard that you have for an employee that's going to
14 be a police officer, are they so different that the one
15 standard would not bring you into compliance with the
16 other standard? Or are they significantly the same to
17 where it wouldn't be an issue anyway? If it's done.

18 MS. MARTIN: The standards are the same.

19 COMMISSIONER HULSEY: Okay. All right.

20 MS. MARTIN: The same crime is going to
21 keep you and you're going to need a waiver for the same
22 thing. We require the same thing. The psychological
23 background --

24 COMMISSIONER HULSEY: Okay.

25 MS. MARTIN: We check to make sure

1 they're citizens. We do a background check.

2 COMMISSIONER HULSEY: Okay.

3 MS. MARTIN: We don't do the background
4 check on the employing agency. Folks --

5 COMMISSIONER HULSEY: So there wouldn't
6 be any issue one way or the other?

7 MS. MARTIN: Correct. We are not asking
8 for lowered standards for those students.

9 COMMISSIONER HULSEY: Walter State, I've
10 always been a big defender of you. Everybody in my
11 agency always went there, and you just got through
12 building all that --

13 MR. GAZZO: Yes, sir.

14 COMMISSIONER HULSEY: -- good looking
15 stuff down there.

16 I have a question for the Commission.
17 If these offenses were two and three years ago and
18 they're in compliance now, is the two-year probation
19 fixed or can that be massaged?

20 COMMISSIONER JENKINS: Well, we just
21 found the ones during the audit.

22 MR. UNDERWOOD: It was recommended all
23 needed to be brought to compliance, but then the
24 Commission determined the probation was also needed to
25 get their attention.

1 COMMISSIONER HULSEY: So can they ask
2 for a last waiver? I'm kidding.

3 (Laughter)

4 COMMISSIONER JENKINS: You know, they
5 were here in January of '15 and asked for a waiver for a
6 young man and -- because -- he was in their academy. He
7 apparently wasn't an employee for the department.

8 MS. MARTIN: Like I said, that's our
9 last time. That person had a DUI outside of the state,
10 and that -- it was way in the past. There was something
11 else that showed up on it.

12 Had we known about it earlier they would
13 never have been asking for a waiver. They would have
14 been taking the same steps.

15 That person, the fact -- because it came
16 from outside of the state it didn't come up at the right
17 time. And I think if you read the minutes he was very,
18 very irritated that he even had to come. But since the
19 student had gotten to the last day of class before it
20 was discovered I don't know that he had anything.

21 But since that time we have not had
22 anybody that we've been here to ask for a waiver for.

23 CHAIR WALLACE: Do you have someone that
24 can -- like this happened -- I know sometimes -- we've
25 all worked at departments that annually somebody goes in

1 and just checks -- I know I do that with my officers --
2 and have somebody check those files and make sure you
3 have everything that P.O.S.T. requires?

4 MR. GAZZO: Yes. Our secretary. Holly
5 Turner.

6 We -- before we come to the end of the
7 year -- we do four classes a year. And the gap between
8 the December class -- the end of the December class and
9 the beginning of the January class -- and the case in
10 2016 was February. It was -- and we submit our annual
11 report to the Commission, that's in -- in that
12 intervening time that's when we go through -- if we have
13 files that are ready for review at that time.

14 CHAIR WALLACE: And would you be willing
15 to come to the P.O.S.T. Commission if you run upon
16 someone who did not meet those records, come up here
17 with them to ask for a waiver before they started
18 school? If they were a student.

19 MR. UNDERWOOD: I guess -- I think
20 Walter State's position is they're not asking for it.
21 They're going to put it back on the agency to ask for
22 the waiver.

23 CHAIR WALLACE: What about the student,
24 like he says, that goes through it and then all of a
25 sudden they want a job?

1 So if you've got somebody like that
2 who's enrolling in your program who might need a
3 waiver -- because usually if you go through a law
4 enforcement program, you're wanting to be in law
5 enforcement.

6 MR. GAZZO: Yes, ma'am.

7 CHAIR WALLACE: So could you not bring
8 them up here yourselves?

9 MR. GAZZO: I -- if that's acceptable to
10 the Commission --

11 CHAIR WALLACE: Could they not do that?
12 That little glitch that we've got --

13 MR. UNDERWOOD: We're going to -- the
14 rule doesn't prohibit them from coming. They just --
15 historically, they have not come because it didn't seem
16 to include them.

17 MS. MARTIN: They would go further and
18 not allow that person to enroll. I mean, that person is
19 not going to enroll in our school. I mean, that's
20 Director Gazzo's position.

21 I mean, if you want them to come and ask
22 for waivers, we -- I don't know that he necessarily
23 really wants to do that.

24 I think he would prefer to limit the
25 school to those students who don't need waivers. And if

1 they need a waiver, they need to go get employed by an
2 agency and have the agency deal with that. That's an
3 easier standard for us, frankly.

4 If we're just telling people, oh, you've
5 got something in yours that you'd have to get a waiver,
6 you can't come to our school. You're not qualified for
7 our school if you're going to need a waiver unless you
8 go and get the waiver through a department.

9 CHAIR WALLACE: What about military
10 waivers?

11 MS. MARTIN: On an honorable?

12 MR. GAZZO: Anything other than
13 honorable --

14 MS. MARTIN: It's the same way.

15 MR. GAZZO: I would not -- I don't know
16 that it would be fair for me to do it that way. I try
17 to have whenever possible a consistent standard for
18 everyone. They, too, would need to go to an agency and
19 get employed. The agency could come up for the waiver
20 before they come for their training.

21 COMMISSIONER JENKINS: You were here,
22 Director, in December. You wanted somebody to attend
23 Walter State since he didn't -- didn't complete this
24 one -- this academy.

25 MR. GAZZO: I'm sorry. Could you

1 repeat?

2 COMMISSIONER JENKINS: You were here in
3 December of '15. Walter State requests a waiver for
4 this guy in Perry County because he didn't complete this
5 academy. I don't remember what happened, but --

6 MR. GAZZO: I'm not familiar with this.
7 I'm sorry. I'm not familiar with that individual.

8 MR. FARRIS: I think Perry County had
9 that.

10 COMMISSIONER JENKINS: It said Walter
11 State on there.

12 MS. MARTIN: Perry County was here
13 asking for the waiver. That will happen.

14 COMMISSIONER JENKINS: That didn't tell
15 me that.

16 MS. MARTIN: If -- they're usually --
17 they should be asking for those before they come to
18 Walter State. That's our position.

19 COMMISSIONER JENKINS: We totally agree.

20 My last question. If we took you off
21 probation, Counselor, and -- or we reduce your probation
22 and this starts happening again -- no disrespect to
23 anybody -- I know you've been doing a great job. What
24 are we going to do? Are we going to say probation again
25 and you're going to come back up here and argue again?

1 MS. MARTIN: All we can do is give you
2 our word that we have systems in place. That this is
3 the system that we use. That we are not letting anyone
4 in.

5 We've also considered and talked to
6 maybe having our internal audit to come in and look at
7 this -- the TBR office -- central office has an audit
8 and we might do our own audit just to make sure that
9 everything is going this way.

10 COMMISSIONER JENKINS: What are we going
11 to do next time if it happened? What alternatives are
12 you putting on us here?

13 You see what I'm saying? Are we going
14 to put you on probation again? Would we? I don't know
15 what we would do. And I can't speak for anybody here.

16 It's a lot better than it was, and I
17 hope it gets a lot better. But --

18 COMMISSIONER LEWIS: And it's
19 frustrating for the Commission to be sitting here -- and
20 I know from the past -- way back past -- 2012 -- we've
21 told the representative from Walter State -- and I
22 understand you-all are new and in place and trying to
23 fix their problems.

24 But as a commissioner, I'm looking at
25 what we've done as a commission. We told the director

1 standing right there at that podium you need to go back
2 and correct these problems or we're fixing to do
3 something. And we keep firing that shot and nobody
4 listens.

5 MS. MARTIN: But, Your Honor, I would
6 say we did listen. That's why there hasn't been a
7 problem since 2015. That's why in 2015 it was a big
8 deal for Garcia to come down here and ask for that in
9 that particular case. It hasn't happened since then.

10 We -- the issue with the recordkeeping
11 is -- is an issue, but I would like to point out that we
12 are doing the same thing. With the -- with the enrolled
13 people from the agencies, we're doing the same thing
14 that we were doing in 2014 and 2015 when we were found
15 to be in compliance.

16 So now there are issues -- maybe it's a
17 closer look. Maybe -- I'm not sure exactly, but these
18 are not issues that we've been told about ever before.
19 It was always you are in compliance. You are in
20 compliance.

21 On February 19th the 2015 report said we
22 were in compliance, and they're doing the same process.

23 COMMISSIONER LEWIS: There may be a
24 breakdown then because I can tell you that this
25 Commission has told your director standing at that

1 podium you need to correct these problems or this
2 Commission is going to act. I know for a fact that
3 we've said it more than once.

4 COMMISSIONER WILLIAMSON: Absolutely.

5 COMMISSIONER LEWIS: And at this point,
6 when this come up, there's --

7 CHAIR WALLACE: But that was another
8 director.

9 COMMISSIONER LEWIS: Yes. There's a few
10 of us here that have felt like we've been talking to
11 that wall and nobody's listened. So that's the reason
12 what happen happened.

13 MS. MARTIN: Like I said, it might have
14 been a little bit different if we had known and we had
15 been able to be here to respond when all these issues
16 first came up.

17 COMMISSIONER LEWIS: Well, I --

18 MS. MARTIN: We -- like I said, since
19 2015 the issue of asking for the waivers, it hasn't been
20 a problem for them.

21 I mean, I've been through the minutes
22 and Lori Campbell has been through the minutes, too, and
23 we can't find a place since then.

24 And I understand. I know. I used to
25 work with you guys that it was an issue before. But if

1 you can't correct things and get credit for having a
2 program that -- we've dealt with that issue. Director
3 Gazzo has told you how he's dealt with that issue. He
4 doesn't let them in.

5 COMMISSIONER LEWIS: Trust me. I'm
6 impressed that that letter got the response that the
7 Commission is getting today because I feel like it's
8 needed. As a commissioner who's been here for a while,
9 like some of the others, who have caught Walter State
10 with the mistakes and told them time and time again
11 you've got to correct this.

12 I don't know if there was a
13 communication gap when he left here to go back to
14 you-all's academy and didn't relay that information, but
15 something happened.

16 But I do know that this Commission on
17 more than occasion told Garcia --

18 MR. GAZZO: Garcia.

19 COMMISSIONER LEWIS: -- more than once
20 that you need -- and I was one of those.

21 COMMISSIONER WILLIAMSON: He knew there
22 wasn't any consequences, so he didn't do it.

23 COMMISSIONER LEWIS: And that's what I'm
24 saying. We felt that we --

25 MS. MARTIN: But they did clean it up.

1 That's why there hasn't been since 2015 a request. And
2 that one request was very unwilling and very
3 different -- I mean, you-all grilled him. And he said,
4 yes, I did a background check on this person. I did not
5 know that he had this. This came up at the last minute.
6 When I learned of it I followed up.

7 So that was the last time that that was
8 an issue. I mean, I would just say the fact that we
9 haven't been here for the past year and a half is the
10 evidence that we were listening. We were trying to do
11 what you said.

12 The recordkeeping violations that are
13 here -- like I said, our -- we were doing the same thing
14 in 2015 and that report was approved as in compliance
15 April -- February 19th. Two months before this one says
16 that we're not doing it right.

17 We're trying. We -- this is the first
18 time that they've said we weren't in compliance.

19 COMMISSIONER BAKER: Well --

20 MR. ANTRICAN: If I may address?

21 You have issues -- I'll use the law
22 enforcement analogy. You have something that gets to
23 the captain, but never gets to the chief. You are
24 talking to somebody, but it's never getting past that
25 particular level where it needed to go to get action.

1 Now -- I'll just say that's what
2 happened.

3 When Director Gazzo shares things about
4 the Commission we take it seriously. We try to -- and
5 the prior director evidently was not sharing that same
6 method of operation.

7 All I can do is apologize. I know I
8 would take action to correct those issues. I apologize
9 to this commission, but I did not know. It was all
10 kept -- we've looked for some letters, looked for some
11 other things we thought might be in there, and I can't
12 find anything. Because I think there's references we've
13 all seen. There's nothing.

14 And so it was never moved up to where it
15 could get the action most pressing, and I apologize for
16 that.

17 COMMISSIONER BAKER: I appreciate that
18 you-all are here and that you're taking it very
19 seriously. That means something to me, and I appreciate
20 that.

21 With that in mind, we're only six months
22 into 2016. And even in the 2016 audit, there were
23 enough issues to have a catalyst -- there was a
24 catalyst, in my opinion, to bring all these issues to
25 light to put your organization on probation.

1 In my opinion probation means let's
2 prove that you've got it right over a period of time.
3 2016, we're coming on the end of June, so we're still
4 six months into 2016. The last time you're mentioned in
5 this paperwork is December of 2015, so we're talking
6 about six months. And, again, within that six months we
7 still had issues when Mr. Farris went out there.

8 So while I appreciate your efforts and I
9 think you clearly are on the right path, I don't think
10 that -- and this is just my opinion -- because I'm
11 trying to wrap it up. I think we've talked about it a
12 lot now.

13 In my opinion I think more time has to
14 go by before a probation -- probation is removed.
15 Because I think probation means just that. You know,
16 it's a time where you prove yourself. And in my opinion
17 not enough time has gone by.

18 MS. MARTIN: We would like to request
19 that we could get in writing exactly what we need in the
20 files. The probationary letter that we have just says
21 you're on probation for numerous recordkeeping
22 infractions. We don't have anything else in writing,
23 and we would like to know in writing what it is that we
24 need to do.

25 MR. FARRIS: We can absolutely do that.

1 I sent that to the director before. I can resend it
2 again if we need to.

3 Your lady, Ms. Turner, has a wonderful
4 little checklist on the inside cover. That's exactly
5 what needs to be in there.

6 The problem -- it's just a recordkeeping
7 issue is all that I found. I don't know about your
8 prior history. I'm not privy to that, for the most
9 part. I wasn't here. It's just recordkeeping.

10 Those records may exist, but they were
11 not in the student's file prior to them starting a law
12 enforcement techniques and training course. That was my
13 finding.

14 She does a wonderful checklist. They
15 just need to be checking in that file prior to anybody,
16 civilian, student, or law enforcement officer.

17 But I'll send him a list again if I need
18 to or if you want a copy --

19 MS. MARTIN: We want to make sure we
20 have the right things. Because sometimes -- I mean, we
21 would have something in the file and it would say it's
22 not in the file, but we had something different that we
23 thought did comply.

24 And when you have this set of
25 fingerprints and you think that complies, because that's

1 on your checklist that you have that and then that's not
2 what you wanted --

3 MR. FARRIS: Well, what you had --

4 MS. MARTIN: That's what we need to make
5 sure. If we could get a definitive list of exactly what
6 we need from people who come from an agency.

7 MR. FARRIS: Right.

8 What you had in your file was the
9 fingerprint -- where the fingerprints were taken, but
10 there was no report. I could do my fingerprints right
11 now and shove them in the file. I need to see it where
12 it's no record or what the record is back from the
13 bureau. So I could see some of those were hard
14 fingerprints.

15 They were in the file, but did not --
16 they're either sent off or returned from the bureau so I
17 could see the determination of the -- I'm -- I'll be
18 honest, if I see a determination, whether it's on
19 printed paper, then I know the fingerprints are on the
20 file at the bureau.

21 The prints, I can't read them. So I'm
22 looking for the report, is what I'm looking -- I'm just
23 looking for the fingerprint report, really, not the
24 actual fingerprint.

25 MS. MARTIN: And that's what I'm saying.

1 We just need to be very specific about what it is that
2 complies with each of those, and -- because we want to
3 make sure. We do want to do what you want us to do.

4 COMMISSIONER BAKER: And we appreciate
5 that.

6 MS. MARTIN: But we need to know ahead
7 of time.

8 COMMISSIONER LEWIS: I think you're on
9 the right road. I honestly do. And I hope that in the
10 near future that you-all can come back after audit -- or
11 whatever -- is done -- and that'll be up to this
12 Commission -- to prove to the Commission that, yes, we
13 are listening.

14 I know we're on the right step because
15 we've got seven people here when before we only had one
16 who it went through one ear and out the other, is the
17 way I feel. Now, that may not be true, but that's the
18 way I feel as a commissioner.

19 I think you're on the right -- but I
20 back up Rita when she says that I just don't feel it's
21 time to say, okay, they're on the right track, let's
22 take them off. Because --

23 COMMISSIONER WILSON: I do, too.

24 COMMISSIONER LEWIS: -- we've done it
25 before and you've walked out the door with the promises

1 of -- that we're going to correct this and leave and
2 then we'll be right back up here again.

3 MS. MARTIN: Is it okay if we come back
4 again before the two years is up and ask to be taken
5 off?

6 MR. FARRISH: That will be up to the
7 Commissioners.

8 COMMISSIONER JENKINS: I'm going to make
9 a motion that we agree to reduce it until January of
10 '17.

11 COMMISSIONER LEWIS: When will be the
12 next audit?

13 MR. FARRIS: We wouldn't generally
14 audit -- they have to have their annual letter into us
15 by January 31st for this year, and then generally
16 February or March depending when I have the letter.

17 I'm more than happy to audit them at any
18 time the Commission would see fit. If that's a
19 six-month window from the last one, I will be more than
20 happy to do your bidding on that.

21 COMMISSIONER JENKINS: Well, the main
22 thing, I think, we're all concerned with is how many
23 times they've shown up here.

24 I mean, we've had officers -- and I just
25 read one report where I was involved in in '12 that an

1 officer -- the department come -- not Walter State --
2 the department came in for a student who had graduated
3 and just plainly says Walter State didn't ask me.

4 You know, this was going on. You didn't
5 know it, but it was going on. And he said, well, they
6 didn't ask me about these arrests, and he had felony
7 arrests. I mean, that's hard to get to.

8 There were letters sent on it.

9 You were the chairman --

10 COMMISSIONER LEWIS: Yes.

11 COMMISSIONER JENKINS: -- and you sent a
12 letter to the director.

13 COMMISSIONER LEWIS: And I totally
14 support them coming back before that two years, but I
15 think we need to give our staff enough time -- if we
16 say, okay, between now until May of next year -- 2017,
17 to give him time to do his evaluation.

18 CHAIR WALLACE: He said he could go back
19 and do a six month.

20 MR. FARRIS: Listen, I'll do a six-month
21 audit if that's, you know, amenable to everybody. That
22 would be in September, probably.

23 COMMISSIONER LEWIS: I was trying to --

24 MR. FARRIS: I'm more than happy to do
25 that.

1 Or normally they would come up again --
2 all academies come up in February, so that would be
3 their normal cycle or we can do a half cycle.

4 COMMISSIONER WILSON: I think do the
5 February cycle.

6 MR. FARRIS: That's up to you. If
7 that's amenable with them -- I mean, the records are
8 available.

9 COMMISSIONER LEWIS: Would you support
10 February?

11 COMMISSIONER JENKINS: Sure, I would.

12 COMMISSIONER LEWIS: And I'll support
13 you on that motion.

14 COMMISSIONER BAKER: You'd have to
15 reword your motion.

16 COMMISSIONER BELL: It would be February
17 before the audit is done, but it would need to be --

18 MR. FARRIS: I could do a six month if
19 that would please the Commission. I could do one in
20 September, and then they would -- their normal one is
21 going to be in February/March.

22 COMMISSIONER LEWIS: And then they can
23 come back in February -- their annual.

24 MR. UNDERWOOD: Wait a second. The
25 P.O.S.T. rules require us to do it annually currently,

1 so we have to do it in February no matter what, even if
2 we did the six months.

3 COMMISSIONER LEWIS: That's what I'm
4 saying.

5 COMMISSIONER WILSON: Let's do February.
6 No sense in doing extra.

7 MR. FARRIS: That would be their
8 normal -- that would be their normal next audit.

9 COMMISSIONER WILSON: That would be the
10 time to do it then.

11 COMMISSIONER JENKINS: That's mandated
12 by the -- I will say -- I recommend we reduce their
13 probation until after the audit in February.

14 MR. FARRIS: Yeah.

15 COMMISSIONER JENKINS: And if the audit
16 comes out good, then we can -- it'll be over.

17 COMMISSIONER WILSON: They'll still be
18 on probation until February?

19 COMMISSIONER JENKINS: Yes.

20 COMMISSIONER WILSON: I'll support that.

21 COMMISSIONER BELL: Is there going to be
22 a date certain?

23 MR. UNDERWOOD: So I guess the question
24 is -- so your -- the motion is to reduce Walter State's
25 probationary period until a favorable audit is found

1 at -- at their next audit in February of 2017?

2 MR. FARRIS: Their next --

3 COMMISSIONER JENKINS: Counsel says we
4 have to have one in February no matter what.

5 COMMISSIONER WILSON: We'll review it
6 again. We'll leave it as is on probation, and then in
7 February if we have a favorable audit, then -- that
8 would be the easiest way.

9 COMMISSIONER BAKER: Before the February
10 P.O.S.T. meeting?

11 MR. FARRIS: I'll do whatever you --

12 MR. UNDERWOOD: Well, we do have a
13 motion.

14 Do we have a second, or do we let it --

15 COMMISSIONER WILLIAMSON: What's the
16 motion?

17 MR. UNDERWOOD: The motion --

18 COMMISSIONER JENKINS: Good morning.

19 COMMISSIONER WILLIAMSON: What are you
20 going to do?

21 MR. UNDERWOOD: The Vice-Chair made the
22 motion that they would reduce the suspension from a
23 two-year period to a one-year pending a favorable
24 outcome of the next audit in February 2017.

25 COMMISSIONER HANNON: It'll be simpler

1 to just --

2 COMMISSIONER JENKINS: One-year
3 probation.

4 MR. UNDERWOOD: That's what the motion
5 is.

6 CHAIR WALLACE: Do I need to ask for a
7 second on that?

8 MR. UNDERWOOD: Yes, on the motion.

9 CHAIR WALLACE: Do I have a second?

10 COMMISSIONER WILSON: Second.

11 CHAIR WALLACE: I have a second.

12 Any more discussion?

13 (Pause)

14 CHAIR WALLACE: All those in favor say
15 "aye."

16 COMMISSIONER LEWIS: Aye.

17 COMMISSIONER BREEDEN: Aye.

18 COMMISSIONER BAKER: Aye.

19 COMMISSIONER WILSON: Aye.

20 COMMISSIONER LEWIS: Aye.

21 COMMISSIONER BELL: Aye.

22 COMMISSIONER JENKINS: Aye.

23 CHAIR WALLACE: Aye.

24 COMMISSIONER HANNON: Abstain.

25 CHAIR WALLACE: Any opposed?

1 COMMISSIONER LONG: No.

2 COMMISSIONER WILLIAMSON: No.

3 COMMISSIONER LEWIS: I think in February
4 when they go do the audit I think we'll see a change. I
5 hope that we see a change. I really do.

6 CHAIR WALLACE: Do you-all have any
7 questions?

8 MR. UNDERWOOD: And I guess if the
9 outcome is still at issue during the audit, the
10 probation would continue is what the subsequent result
11 of that.

12 But hopefully in six months will be the
13 burden.

14 CHAIR WALLACE: All right. If you think
15 of any questions, call.

16 Thank you-all. We do appreciate you-all
17 coming up here.

18 CHAIR WALLACE: All right. There's no
19 new business.

20 Waivers of six-month rule. The
21 following departments are requesting a waiver of the
22 six-month rule to keep their officers and departments in
23 compliance:

24 Meigs County Sheriff's Department, Steve
25 Truelove, and Mount Pleasant Police Department, Thomas

1 Dwight Gray.

2 COMMISSIONER LEWIS: Motion to approve.

3 COMMISSIONER WILSON: Second.

4 CHAIR WALLACE: Motion and a second.

5 Any discussion?

6 (Pause)

7 CHAIR WALLACE: All those in favor?

8 COMMISSION MEMBERS: Aye.

9 CHAIR WALLACE: Any opposed?

10 (No opposition indicated.)

11 CHAIR WALLACE: Motion carries.

12 Waiver of In-Service Rule 1110-09-.05.

13 Requests for a waiver have been received for the
14 following officers so that they will remain in
15 compliance with P.O.S.T. guidelines as well as the
16 department:

17 Watertown Police Department,
18 Officer Michael Dunn -- hired part-time August 28th --
19 be granted an in-service waiver so the department can
20 stay in compliance.

21 He was promoted to full-time
22 December 27, 2015, and has received military deployment
23 orders.

24 Do I have a motion?

25 COMMISSIONER LEWIS: Motion to approve.

1 COMMISSIONER WILSON: Second.

2 CHAIR WALLACE: Any discussion?

3 (Pause)

4 CHAIR WALLACE: All those in favor?

5 COMMISSION MEMBERS: Aye.

6 CHAIR WALLACE: All right.

7 The following departments are requesting
8 a waiver for military leave, Rule 1110-90-.06(5). The
9 following departments are requesting a waiver for
10 military service for the 2015 calendar. Military orders
11 are included, along with change of status. These
12 officers will be eligible to receive salary supplements.

13 LaFollette Police Department.

14 COMMISSIONER JENKINS: LaFollette.

15 CHAIR WALLACE: LaFollette.

16 MR. FARRIS: I like the way you said it,
17 though.

18 CHAIR WALLACE: Justin Parrott be
19 granted the waiver for in-service due to military
20 deployment.

21 COMMISSIONER LEWIS: Motion to approve.

22 COMMISSIONER JENKINS: Wait a minute
23 now. It also says will not receive salary settlement as
24 he was part-time.

25 CHAIR WALLACE: Well, on here it says

1 will.

2 COMMISSIONER JENKINS: Will not.

3 CHAIR WALLACE: Will not.

4 COMMISSIONER JENKINS: That's what it
5 says on mine is will not.

6 MR. UNDERWOOD: Yeah, but above it --

7 CHAIR WALLACE: Will not, okay.

8 Officer Parrott will not receive. Okay?

9 MR. UNDERWOOD: Right.

10 CHAIR WALLACE: Motion?

11 COMMISSIONER LEWIS: Motion.

12 CHAIR WALLACE: Second?

13 COMMISSIONER WILSON: Second.

14 CHAIR WALLACE: Any discussion?

15 (Pause)

16 CHAIR WALLACE: All those in favor?

17 COMMISSION MEMBERS: Aye.

18 CHAIR WALLACE: Waiver of eight-month
19 rule. The following officers are requesting a waiver of
20 the eight-month rule. They completed in-service
21 training and will be eligible for salary.

22 Metro Nashville Police Department
23 requests waiver for Connie Tripp who retired May 1,
24 2015, completing the required 40 hours in-service to
25 receive 2015 salary supplement.

1 COMMISSIONER JENKINS: So moved.

2 COMMISSIONER HANNON: Second.

3 CHAIR WALLACE: Motion and a second.

4 Any discussion?

5 (Pause)

6 CHAIR WALLACE: All those in favor?

7 COMMISSION MEMBERS: Aye.

8 CHAIR WALLACE: Any opposed?

9 (No opposition indicated.)

10 CHAIR WALLACE: Motion carries.

11 Waiver for medical, Rule --

12 COMMISSIONER JENKINS: No. It says

13 none.

14 CHAIR WALLACE: No administrative

15 waiver, so --

16 MR. FARRIS: I missed the new business.

17 I do have one item I want to bring to your attention and

18 you can direct how you'd like to address that.

19 MR. UNDERWOOD: Another audit?

20 MR. FARRIS: No. Man, what a

21 roundabout. We're going to be doing some audits, trust

22 me.

23 And we have approximately -- our budget

24 ends in two weeks for the State of Tennessee, and I'll

25 be turning my salary supplement for '15-'16. We have

1 currently approximately eight departments who have not
2 submitted paperwork to receive their salary supplements.

3 COMMISSIONER BAKER: Oh my gosh.

4 MR. FARRIS: Many of them -- it gets
5 worse -- many of them have yet to submit any in-service
6 training for 2015 or have any approved for their
7 department.

8 I would like to recommend -- I'm not a
9 voter, but I know some voters in this room. I am a real
10 voter just not a commissioned voter. But I know some
11 voters.

12 My recommendation would be -- because
13 the money that we had approved for these departments
14 ends in two weeks, my recommendation is you'll allow me
15 to send them a letter -- these eight departments -- and
16 have them appear in July to explain to the Commission
17 why they didn't -- have submitted no in-service, why
18 they have not asked for their salary supplement in a
19 timely manner.

20 We notified them that they have to
21 submit salary supplement by what is it Shana?

22 MS. ROBERTS: January 15th.

23 MR. FARRIS: January 15th.

24 They were all notified that they needed
25 to submit that to receive that money so we could process

1 it. So my recommendation is I'd love to put them on
2 notice to have them appear and explain to you -- I'll be
3 honest, their departments are going to be -- their
4 entire departments are going out of certification if
5 they don't come up here and ask for some forgiveness, is
6 my opinion.

7 Now, that's new business. That wasn't
8 on the agenda. I'll leave that to you guys.

9 COMMISSIONER BELL: If I don't have to
10 repeat all that, I'll make that motion.

11 COMMISSIONER HANNON: And I'll second.

12 CHAIR WALLACE: We have any discussion?

13 COMMISSIONER LEWIS: It does need to be
14 the chief or the sheriff of that department --

15 MR. FARRIS: And the GDI.

16 COMMISSIONER LEWIS: And the GDI.

17 MR. FARRIS: The head law enforcement,
18 chief or sheriff and the GDI.

19 COMMISSIONER JENKINS: I've got a
20 question for the lawyer.

21 MR. FARRIS: I'm sorry you-all.

22 COMMISSIONER JENKINS: Can we do
23 anything about this? Can we put a timeline on it and
24 say -- I mean, this is going to be coming out of next
25 year's budget which will affect next year's in-service.

1 MR. UNDERWOOD: So they're not
2 submitting salary supplement, so they're not submitting
3 in-service requirement, correct?

4 COMMISSIONER JENKINS: We don't know.

5 MR. UNDERWOOD: So, therefore --

6 MR. FARRIS: Some of both. Yes, sir.

7 MR. UNDERWOOD: Well, if they're not
8 submitting in-service for their officers, their officers
9 don't get in-service, their officers could lose
10 certification. Suddenly they're employing uncertified
11 officers. So that could be serious. I mean, they're
12 just doing their officers a disservice.

13 MR. FARRIS: Absolutely.

14 COMMISSIONER JENKINS: Can we put a time
15 limit on this?

16 MR. UNDERWOOD: I think you can explain
17 to them, yeah, if you miss two years in a row, that's --

18 COMMISSIONER JENKINS: I'm talking about
19 if you don't file by --

20 COMMISSIONER HANNON: You're changing
21 the rules? Are you guys making some -- are you working
22 on some rules?

23 MR. UNDERWOOD: We will do the rules,
24 yes, sir.

25 It's in the statute if you don't get

1 your in-service your certification is automatically --

2 COMMISSIONER WILSON: Let's not talk --
3 one at a time. When her face starts getting red, you
4 can tell it's a problem. Let's not run her off the
5 first day. Let's try to keep her.

6 MR. UNDERWOOD: Yes, sir. I agree.

7 COMMISSIONER LEWIS: So by our own rules
8 and the statute we have the right -- I mean, we have in
9 the past.

10 MR. UNDERWOOD: Yeah. We have a right
11 to call them up and come forward. Just note -- what we
12 need to communicate to them is that they're officers and
13 if they're not getting annual in-service training or --

14 MR. FARRIS: They're in violation of the
15 mandated training --

16 MR. UNDERWOOD: They can lose their
17 certification.

18 MR. FARRIS: -- how can they function as
19 the police?

20 COMMISSIONER LEWIS: I say we bring them
21 up.

22 CHAIR WALLACE: We have a motion and a
23 second.

24 COMMISSIONER JENKINS: Mr. Murphy?

25 MR. MURPHY: One of the issues is that

1 they are completing the training, the GDI is not
2 submitting the paperwork --

3 MR. FARRIS: Right. I believe that is
4 some of the issues, by far. That department is doing
5 them a disservice.

6 MS. ROBERTS: We have never even
7 submitted any training to get approved. We don't know
8 if they've done it or not, but they never even got any
9 lesson plans.

10 MR. FARRIS: Right. We have no idea
11 what --

12 MR. UNDERWOOD: That's the most severe
13 case. The injustice is not getting their officers
14 certified.

15 COMMISSIONER LEWIS: I know what we done
16 to my good friend, the sheriff of Hickman County, woke
17 him up to the point that I don't think we've had any
18 problems with them since that visit with the sheriff
19 standing at the podium. I think that's one of the most
20 important things because it may be the same thing that
21 happened just now. It may not be going from this guy to
22 this guy.

23 MR. FARRIS: We'll --

24 CHAIR WALLACE: We've got a motion and a
25 second for them to come.

1 MR. MURPHY: Send it to the departments
2 stating that their supplement is required to be here
3 by -- P.O.S.T. by January the 15th. They have -- it
4 also states they have up until May the 24th, I believe,
5 to rectify issues with that documentation or that
6 paperwork. They all got a copy of that.

7 COMMISSIONER JENKINS: My question for
8 the lawyer is, is there any way we can say you didn't
9 file it, you don't get it?

10 MR. UNDERWOOD: To them, yes. That's
11 true.

12 MR. FARRIS: I'll refuse that money.

13 COMMISSIONER WILSON: That's a wake up
14 call for sure.

15 COMMISSIONER LONG: To hear this,
16 though --

17 MR. UNDERWOOD: So it possibly could be.
18 That's what we're finding out, if they had any training
19 at all or if they're just refusing --

20 COMMISSIONER LONG: The sad part about
21 it seems to be, though, he says the money reverts in two
22 weeks. The officers -- if they did go to in-service --
23 even though it wasn't reported -- they're the ones that
24 are going to be penalized and not get their money.

25 MR. UNDERWOOD: And, fairly, the

1 legislature will look at what was paid last year and
2 say, well, that's what you're getting for this year.

3 MR. FARRIS: So it's being reduced.

4 MR. UNDERWOOD: Therefore, it's being
5 reduced because they gave you more money than you
6 needed, so they'll say you don't need as much as we gave
7 you and cut it back here --

8 So, see, it's a vicious circle.

9 MR. FARRIS: It's a vicious cycle.

10 Thank you, Joe.

11 CHAIR WALLACE: Motion and a second.

12 All those in favor?

13 COMMISSION MEMBERS: Aye.

14 CHAIR WALLACE: Opposed?

15 (No opposition indicated.)

16 CHAIR WALLACE: Can we not audit those
17 departments?

18 MR. FARRIS: We are going to be auditing
19 two of them on those infractions and some other issues
20 very soon.

21 I'm more than happy to audit all of
22 them. I'm sure this isn't -- if they won't submit for
23 money, my guess is there's a whole lot of other things
24 they're not probably doing, is my guess. We'll audit
25 them all, but I've got two folks. So --

1 COMMISSIONER BELL: After we had voted
2 now, can we find out who those eight departments are?

3 MR. FARRIS: They know them down here.
4 I'm -- here's the worker bees down on the end.

5 Do you want it on the record? Do you
6 want it on record if we're going to send them letters?
7 Because they can read this on the Internet.

8 MR. UNDERWOOD: My question is do we
9 need to call Johnny? Is that where we're at now?

10 MR. FARRIS: Joe went there.

11 COMMISSIONER LEWIS: That hurt.

12 CHAIR WALLACE: Any other business?

13 I have a motion to adjourn.

14 COMMISSIONER HANNON: Second.

15 COMMISSIONER WILSON: Motion.

16 CHAIR WALLACE: All those in favor?

17 COMMISSION MEMBERS: Aye.

18 (End of the proceedings.)
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25

1 RESPECTFULLY SUBMITTED

2 Tracy Wilkes
3 Tracy Wilkes
4 LCR #366
5 State of Tennessee
6

7
8 APPROVED Kim Wallace
9 Kim Wallace
10 Chairman

11 DATE: 8-19-16
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